

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1352

S.P. 420

In Senate, March 21, 2019

**An Act To Provide for Consistency Regarding Persons Authorized  
To Conduct Examinations for Involuntary Hospitalization and  
Guardianship**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative FARNSWORTH of Portland and  
Senators: BLACK of Franklin, CLAXTON of Androscoggin, DILL of Penobscot, SANBORN,  
L. of Cumberland, Representative: MORALES of South Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 18-C MRSA §5-306, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2  
3 and affected by Pt. F, §1, is amended to read:

4 **1. Evaluation; report.** In every adult guardianship matter, the respondent must be  
5 examined by a ~~licensed physician or psychologist~~ medical practitioner who is acceptable  
6 to the court and who is qualified to evaluate the respondent's alleged cognitive and  
7 functional abilities. The individual conducting the evaluation shall file a report in a  
8 record with the court at least 10 days before any hearing on the petition. Unless  
9 otherwise directed by the court, the report must contain:

- 10 A. A description of the nature, type and extent of the respondent's cognitive and  
11 functional abilities and limitations;
- 12 B. An evaluation of the respondent's mental and physical condition and, if  
13 appropriate, educational potential, adaptive behavior and social skills;
- 14 C. A prognosis for improvement and recommendation for the appropriate treatment,  
15 support or habilitation plan; and
- 16 D. The date of the examination on which the report is based.

17 As used in this subsection, "medical practitioner" means a licensed physician, a registered  
18 physician assistant, a certified psychiatric clinical nurse specialist, a certified nurse  
19 practitioner or a licensed clinical psychologist.

20 **SUMMARY**

21 This bill changes the Maine Uniform Probate Code, taking effect July 1, 2019, in the  
22 provision governing professional evaluation in an adult guardianship matter to replace the  
23 term "licensed physician or psychologist" with the term "medical practitioner," the  
24 definition of which is added to the provision by the bill and is the same as under the  
25 Maine Revised Statutes, Title 34-B, section 3801, which provides definitions for  
26 provisions governing hospitalization by psychiatric hospitals.