

MAINE STATE LEGISLATURE

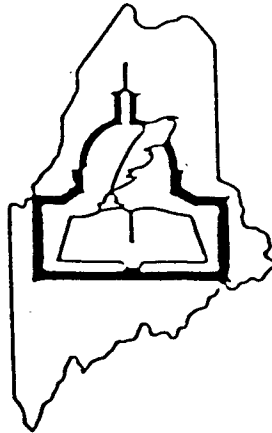
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



MAY 1986

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JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

legal incapacity, rather than the principal. The bill permits the guardian or conservator to revoke, suspend or terminate any power of attorney, except with regard to a durable power of attorney to consent to medical or other professional care. To revoke, suspend or terminate this authority, the guardian must petition the probate court.

The bill also creates a Mental Health Rights Advisory Board within the Department of Mental Health and Mental Retardation.

LD
2257

AN ACT TO AMEND THE REQUIREMENTS FOR
PERSONAL SERVICE IN AN ACTION FOR A GUARDIAN-
SHIP OR CONSERVATORSHIP

PL 1985
c. 656

Sponsor: CARPENTER, Kane, MacBride, Lebowitz
Committee Report: New Draft of LD 1923.

SUMMARY: This bill revises the provisions for serving notice of guardianship or conservatorship proceedings.

Under the bill, notice of a guardianship proceeding is to be served personally on the ward or allegedly incapacitated person. That person's spouse, adult children, and parents receive notice by certified mail. If the certified mail is not delivered to a person existing in closest relation to the ward or allegedly incapacitated person, a person in that category of those most closely related to the ward or allegedly incapacitated person must be personally served if that person can be found within Maine.

If no spouse, adult child, or parent is served by certified mail or personally, the next most closely related adult relative of the ward or allegedly incapacitated person must be given notice by certified mail or, if that mail is not delivered, by personal service if the adult relative can be found within Maine.

If no spouse, adult child, parent, or closest adult relative is served by certified mail or personally, an adult friend of the ward or allegedly incapacitated person must be given notice by certified mail or, if that mail is not delivered, by personal service if the adult friend can be found within Maine.

The bill requires similar service of notice for conservatorship proceedings.