

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 304

H. P. 256

House of Representatives, January 22, 1975

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Nadeau of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Guardianship of Incapacitated
Adults in Need of Protective Services.

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

Sec. 1. 18 MRSA, § 3601, as last amended by PL 1971, c. 598, § 25, is further amended by adding at the end 2 new paragraphs to read:

Upon the filing of a petition for guardianship of an adult, the court may order the Department of Health and Welfare to investigate the conditions and circumstances of the adult whenever it appears that the adult may be incapacitated as defined in section 3640.

A report of this investigation shall be filed with the court within 30 days or such further time as the court allows and shall be available to all parties.

Sec. 2. 18 MRSA, § 3642, 1st ¶, as enacted by PL 1973, c. 631, § 1, is repealed and the following enacted in place thereof:

Pursuant to its nomination the public guardian shall, or in its discretion in any other case may, petition for its appointment to act as guardian of the person and estate of an alleged incapacitated person by filing a written petition in the probate court for the county in which the alleged incapacitated person resides or in which his estate is located. Said petition shall be accompanied by:

1. A detailed written guardianship plan which shall include but not be limited to the type of proposed living arrangement; how financial needs will be met; how medical needs will be met; how social needs will be met; the plan for continuing contact with relatives and friends; and

2. Except under the conditions set forth in section 3648, a certification by a licensed physician or licensed psychologist as to the impairment of the person for whom the public guardian is sought to be appointed.

STATEMENT OF FACT

This bill will amend existing statutes to clarify the ability of the probate judge to order the Department of Health and Welfare to investigate the conditions and circumstances of alleged incapacitated adults. It also specifies the content of the guardianship plan which shall accompany a petition for guardianship.