

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 384

6
7 H.P. 325

House of Representatives, February 1, 1983

8 On Motion of Representative Hobbins of Saco referred to the Committee
9 on Judiciary. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Hayden of Durham.
Cosponsor: Representative Soule of Westport.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Expand the Authority of
18 Probate Judges to Appoint Temporary
19 Guardians.
20

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

23 18-A MRSA §5-310, as enacted by PL 1979, c. 540,
24 §1, is amended to read:

25 §5-310. Temporary guardians

26 If an incapacitated person has no guardian and an
27 emergency exists, the court may exercise the power of
28 a guardian or may appoint a temporary guardian pend-
29 ing notice and hearing. If an appointed guardian is
30 not effectively performing his duties and the court
31 further finds that the welfare of the incapacitated
32 person requires immediate action, it may, with or
33 without notice, appoint a temporary guardian for the

1 incapacitated person for a specified period not to
2 exceed 6 months. A temporary guardian is entitled to
3 the care and custody of the ward and the authority of
4 any permanent guardian previously appointed by the
5 court is suspended so long as a temporary guardian
6 has authority. A temporary guardian shall not seek
7 the involuntary hospitalization of his ward in any
8 institution outside this State. A temporary guardian
9 may be removed at any time. A temporary guardian
10 shall make any report the court requires. In other
11 respects the provisions of this code concerning guard-
12 ians apply to temporary guardians.

13

STATEMENT OF FACT

14 This bill empowers Judges of Probate to appoint
15 temporary guardians of incapacitated persons where an
16 emergency exists.

17

1890011383