

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1875

6  
7 H.P. 1430

House of Representatives, January 10, 1984

8 Submitted by the Department of Human Services pursuant to Joint Rule  
9 24.

10 Reference to the Committee on Judiciary is suggested and ordered  
printed.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Gray.

11 Cosponsors: Representative Richard of Madison, Representative Melendy  
of Rockland and Representative Nelson of Portland.

12 STATE OF MAINE  
13

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

17 AN ACT to Amend the Probate Code to Provide for  
18 Temporary Guardianships Under Certain  
19 Emergency Conditions.  
20

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

23 18-A MRSA §5-310, as amended by 1983, c. 72, is  
24 further amended by adding at the end a new paragraph  
25 to read:

26 A petition for temporary guardianship may be  
27 brought before any judge if the judge of the county  
28 in which venue properly lies is unavailable. If a  
29 judge, other than the judge of the county in which  
30 venue properly lies, acts on a petition for temporary  
31 guardianship, he shall issue a written order and  
32 shall endorse upon it the date and time of the order.  
33 He shall then forthwith transmit or cause to be  
34 transmitted that order to the register of the county

1 in which venue properly lies. Any order issued by a  
2 judge of a county, other than the county in which  
3 venue properly lies, shall be deemed to have been en-  
4 tered in the docket on the date and at the time en-  
5 dorsed upon it.

6 STATEMENT OF FACT

7 The purpose of this bill is to provide for the  
8 establishment of temporary guardianships in emergency  
9 situations, so incapacitated persons can receive  
10 treatment or be placed as soon as possible. This  
11 bill recognizes that there is sometimes an immediate  
12 need for action, but that the Judges of Probate sit  
13 on a part-time basis, occasionally as infrequently as  
14 once each month.

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