

# 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)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1418

S.P. 461

In Senate, May 4, 1987

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

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BLACK of Cumberland.

Cosponsored by Representative TAYLOR of Camden, Representative HICHBORN of LaGrange, Senator DUTREMBLE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Amend the Probate Code to Allow  
2 Reasonable Compensation for Public  
3 Guardians or Conservators.  
4

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

7 18-A MRSA §5-612, as enacted by PL 1979, c. 540,  
8 §1, is amended to read:

9 §5-612. Compensation

10 (a) The public guardian or conservator of ~~a men-~~  
11 ~~tally-retarded person~~ shall receive such reasonable  
12 amounts for its expenses as guardian or conservator  
13 as the ~~probate-court~~ Probate Court may allow. The  
14 amounts so allowed shall be allocated to ~~a trust an~~  
15 account from which may be drawn expenses for filing

1 fees, bond premiums, court costs and other expenses  
2 required in the administration of the functions of  
3 the public guardian or conservator. No amounts thus  
4 received shall may inure to the benefit of any em-  
5 ployee of the public guardian or conservator. Any  
6 balance in the trust account at the end of a fiscal  
7 year shall not lapse but shall be carried forward  
8 from year to year and used for the purposes provided  
9 for in this subsection.

10 (b) ~~The public guardian or conservator of an in-~~  
11 ~~capacitated person in need of protective services~~  
12 ~~shall not receive any compensation, profit or benefit~~  
13 ~~from a ward or protected person or from any other~~  
14 ~~source for service as public guardian or conservator.~~  
15 Any personal expenditures made on the ward's or pro-  
16 tected person's behalf by the public guardian or con-  
17 servator shall, when properly evidenced, be reim-  
18 bursed out of the ward's or protected person's es-  
19 tate. Claims for services rendered by state agencies  
20 shall be submitted to the probate judge for approval  
21 before payment.

22 STATEMENT OF FACT

23 This bill clarifies and standardizes how and un-  
24 der what circumstances fees may be sought by both the  
25 Department of Human Services and the Department of  
26 Mental Health and Mental Retardation, as public  
27 guardians.

28 This change allows both public guardians to es-  
29 tablish a trust account and have authority to expend  
30 the funds on administration and court costs,  
31 minimizing public funds for the programs.

32 2284040387