

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1857

(Filing No. S- 572)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A " to COMMITTEE AMENDMENT "A" to H.P. 1287, L.D. 1857, Bill, "An Act Concerning Authorization to Consent to Powers of Attorney"

Amend the amendment in the 2nd paragraph after the title in the 8th to 10th lines (page 1, lines 28 to 30 in amendment) by striking out the following: "provided, however, that the guardian shall honor any effective living will declaration executed by the ward pursuant to section 5-702".

Further amend the amendment in the 4th paragraph after the title by striking out all of the last sentence (page 2, lines 8 to 10 in amendment)

Further amend the amendment in section 9 in subparagraph (1-A) in the last line (page 6, line 2 in amendment) by inserting after the following: "authority" the following: 'or unless the authority or the power of attorney has been terminated by the court'

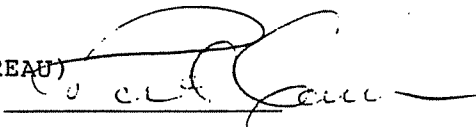
STATEMENT OF FACT

This amendment deletes references to a living will in the Probate Code section on the powers of a guardian of a minor ward and the Maine Comment on that section. Minors are not authorized to execute living wills, so the references are deleted to avoid any confusion.

SENATE AMENDMENT

R. of S.
SENATE AMENDMENT "A " to COMMITTEE AMENDMENT "A" to H.P. 1287,
L.D. 1857

2 This amendment also clarifies that an attorney-in-fact
3 appointed under a durable health care power of attorney does not
4 have the authority to consent to withholding or withdrawal of
5 life-sustaining treatment for purposes of the priority listing in
6 the Maine Revised Statutes, Title 18-A, section 5-707 if the
7 court has terminated that authority or terminated the power of
8 attorney.

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11
12 (Senator GAUVREAU)
13 SPONSORED BY: 

14 COUNTY: Androscoggin

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(3/3/92) (Filing No. S-572)