

MAINE STATE LEGISLATURE

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AUGUSTA, MAINE

L.D. 1967

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1441, L.D. 1967, Bill, "An Act to Amend the Probate Code to Provide Greater Due Processing in Guardianship and Conservatorship Cases"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Probate Code to Provide Greater Due Process in Guardianship and Conservatorship Cases'

Amend the bill by inserting after section 7 the following:

'Sec. 8. 22 MRSA §3481, sub-§2, as enacted by PL 1981, c. 527, §2, is amended to read:

2. **Consent refused.** When a private guardian or conservator of an incapacitated adult who consents to the receipt of protective services refuses to allow those services to be provided to the incapacitated adult, the department may petition the Probate Court for removal of the guardian pursuant to Title 18-A, section 5-307, or for removal of the conservator pursuant to Title 18-A, section 5-415. When a caretaker or guardian of an incapacitated adult who consents to the receipt of protective services refuses to allow those services to be provided to the incapacitated adult, the department may petition the Probate Court for temporary guardianship pursuant pursuant to Title 18-A, section 5-310 ~~5-310-A~~ or for a protective arrangement pursuant to Title 18-A, section 5-409.

Sec. 9. 22 MRSA §3483, sub-§1, as enacted by PL 1981, c. 527, §2, is amended to read:

COMMITTEE AMENDMENT

P. 015

COMMITTEE AMENDMENT "A" to H.P. 1441, L.D. 1967

1. Action. When the court has exercised the power of a guardian or has appointed the department temporary guardian pursuant to Title 18-A, section 5-310 5-310-A, and the ward or a caretaker refuses to relinquish care and custody to the court or to the department, then at the request of the department, a law enforcement officer may take any necessary and reasonable action to obtain physical custody of the ward for the department. Necessary and reasonable action may include entering public or private property with a warrant based on probable cause to believe that the ward is there.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The additional costs to accommodate the changes in the procedure for the appointment of guardians and conservators can be absorbed by the Department of Human Services and the Department of Mental Health and Mental Retardation utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment corrects the title of the bill, corrects cross-references to a section of law repealed in the bill and adds a fiscal note.