

MAINE STATE LEGISLATURE

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R 018

L.D. 85

DATE: April 4, 1995

(Filing No. S- 42)

HUMAN RESOURCES

Reported by: Senator PENDEXTER of Cumberland for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 56, L.D. 85, Bill, "An Act to Repeal the Prohibition against Nursing Home Owners and Employees Becoming Guardians of Patients"

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

'An Act to Amend the Laws Concerning Guardianship'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 18-A MRSA §5-311, sub-§(c), as repealed and replaced by PL 1985, c. 770, §1, is amended to read:

(c) No owner, proprietor, administrator, employee or other person with a substantial financial interest in a facility or institution ~~which is~~ licensed under Title 22, sections 1817 and 7801, may act as guardian of an incapacitated person who is a resident, as defined in Title 22, section 7901-A, unless the person requesting to be appointed guardian is one of the following:

(1) The spouse of the incapacitated person;

(2) An adult child of the incapacitated person;

(3) A parent of the incapacitated person or a person nominated by the will of a deceased parent; or

(4) A relative of the incapacitated person with whom the incapacitated person has resided for more than 6 months prior to the filing of the petition for appointment.'

COMMITTEE AMENDMENT

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STATEMENT OF FACT

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6 This amendment retains the prohibition against an owner,
8 proprietor, administrator, employee or other person with a
10 substantial financial interest in a nursing or residential care
12 facility acting as guardian for a resident of the facility and
creates an exception for close family members and relatives with
whom the incapacitated person has lived for 6 months. This
brings the guardianship law into agreement with the
conservatorship law.