

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1775

H.P. 1297

House of Representatives, December 22, 2003

An Act To Require Written Notice of Revocation of Durable Powers of Attorney

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKEE of Wayne.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: CANAVAN of Waterville, HUTTON of Bowdoinham, NORBERT of
Portland, ROGERS of Brewer, Senators: BRYANT of Oxford, TREAT of Kennebec.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 18-A MRSA §5-510** is enacted to read:

6 **§5-510. Revocation of durable power of attorney; notice required**

8 If a principal wishes to revoke a durable power of attorney,
10 the principal must deliver written notice of the revocation to
12 the attorney-in-fact. Upon receipt of such written notice, if
14 the attorney-in-fact questions the competency of the principal to
16 make such a determination, the attorney-in-fact may petition the
18 court for an opportunity to produce information bearing on the
20 principal's competency.

22 **SUMMARY**

24 This bill requires that if a person who has signed a durable power of attorney wants to revoke it, that person must provide notice in writing to the attorney-in-fact designated in the power of attorney. If the attorney-in-fact questions the competency of the person to revoke the power of attorney, the attorney-in-fact may petition the court for an opportunity to produce evidence bearing on the person's competency.