

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 354

H.P. 284

House of Representatives, January 25, 2007

### An Act Regarding the Reporting Requirements of Guardians and Conservators

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FLETCHER of Winslow.

Cosponsored by Representatives: CANAVAN of Waterville, THIBODEAU of Winterport.

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

2 **Sec. 1. 18-A MRSA §5-209, sub-§(e)** is enacted to read:

3 (e). In addition to the reporting required under subsection (d), the guardian shall file  
4 an annual report of all income, expenses and other transactions pertaining to the ward's  
5 estate during the preceding 12 months.

6 **Sec. 2. 18-A MRSA §5-210**, as enacted by PL 1979, c. 540, §1, is amended to  
7 read:

8 **§5-210. Termination of appointment of guardian; general**

9 A guardian's authority and responsibility ~~terminates~~ terminate upon the death,  
10 resignation or removal of the guardian or upon the minor's death, adoption, marriage or  
11 attainment of majority, but termination does not affect ~~his~~ the guardian's liability for prior  
12 acts; nor ~~his~~ the guardian's obligation to account for funds and assets of ~~his~~ the guardian's  
13 ward. Resignation of a guardian does not terminate the guardianship until ~~#~~ a final  
14 accounting of the ward's estate listing all real estate and tangible and intangible property  
15 has been filed with and accepted by the court and the resignation has been approved by  
16 the court. A testamentary appointment under an informally probated will terminates if the  
17 will is later denied probate in a formal proceeding.

18 **Sec. 3. 18-A MRSA §5-306**, as enacted by PL 1979, c. 540, §1, is amended to  
19 read:

20 **§5-306. Termination of guardianship for incapacitated person**

21 The authority and responsibility of a guardian for an incapacitated person ~~terminates~~  
22 terminate upon the death of the guardian or ward, upon the determination of incapacity of  
23 the guardian; or upon removal or resignation, after the filing of the final accounting of the  
24 protected person's estate listing all real estate and tangible and intangible property has  
25 been filed and accepted by the court, as provided in section 5-307. Testamentary  
26 appointment under an informally probated will terminates if the will is later denied  
27 probate in a formal proceeding. Termination does not affect ~~his~~ the guardian's liability for  
28 prior acts nor ~~his~~ the guardian's obligation to account for funds and assets of ~~his~~ the  
29 guardian's ward.

30 **Sec. 4. 18-A MRSA §5-312, sub-§(c)** is enacted to read:

31 (c). A guardian who has responsibility for all or part of the estate of a protected  
32 person shall file an annual report of all income, expenses and other transactions  
33 pertaining to the protected person's estate during the preceding 12 months.

34 **Sec. 5. 18-A MRSA §5-419, sub-§(a)**, as amended by PL 2001, c. 280, §2, is  
35 further amended to read:

36 (a). Every conservator shall account to the court for the administration of the trust  
37 as specified by the court at the time of the initial order or at the time of a subsequent

1 order or as provided by court rule and upon resignation or removal. In addition, the  
2 conservator shall file an annual report of all income, expenses and other transactions  
3 pertaining to the protected person's estate during the preceding 12 months. On  
4 termination of the protected person's minority or disability, a conservator may account to  
5 the court or may account to the former protected person or that person's personal  
6 representative. Prior to the termination of the protected person's minority, the conservator  
7 shall account to the court and the protected person by filing the final accounting of the  
8 protected person's estate listing all real estate and tangible and intangible property with  
9 the court.

10

### SUMMARY

11 This bill requires the filing of annual reports and a final report, and acceptance of the  
12 final report by the court, for a guardian who has responsibility over the estate of a  
13 protected person or ward and for a conservator for a protected person.