

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 170

H.P. 147

House of Representatives, January 27, 2011

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**An Act To Extend the Maximum Time Period for Powers of  
Attorney for Minors and Incapacitated Persons**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative NASS of Acton.  
Cosponsored by Senator COURTNEY of York and  
Representatives: COTTA of China, PRESCOTT of Topsham, STEVENS of Bangor,  
WEAVER of York, WEBSTER of Freeport, Senators: CRAVEN of Androscoggin, ROSEN of  
Hancock.

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

2 **Sec. 1. 18-A MRSA §5-104, sub-§(a)**, as enacted by PL 1997, c. 455, §7, is  
3 amended to read:

4 (a). A parent or guardian of a minor or incapacitated person, by a properly executed  
5 power of attorney, may delegate to another person, for a period not exceeding ~~6~~ 12  
6 months, any of that parent's or guardian's powers regarding care, custody or property of  
7 the minor child or ward, except the power to consent to marriage or adoption of a minor  
8 ward. A delegation by a ~~court-appointed~~ court-appointed guardian becomes effective  
9 only when the power of attorney is filed with the court.

10 **Sec. 2. 18-A MRSA §5-213** is enacted to read:

11 **§5-213. Transitional arrangements for minors**

12 In issuing, modifying or terminating an order of guardianship for a minor, the court  
13 may enter an order providing for transitional arrangements for the minor if the court  
14 determines that such arrangements will assist the minor with a transition of custody and  
15 are in the best interest of the child.

16

**SUMMARY**

17 This bill extends the maximum time period for a power of attorney for a minor or  
18 incapacitated person from 6 to 12 months and authorizes the Probate Court, in issuing,  
19 modifying or terminating an order of guardianship of a minor, to include in the order  
20 transition arrangements as determined to be in the best interest of the child.