## MAINE STATE LEGISLATURE

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## 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** 

No. 366

H.P. 264

House of Representatives, February 8, 2021

An Act Regarding Emergency Guardianship

Received by the Clerk of the House on February 4, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative McCREIGHT of Harpswell.

Cosponsored by Senator BAILEY of York and

 $Representatives: BABBIDGE\ of\ Kennebunk,\ EVANGELOS\ of\ Friendship,\ HARNETT\ of$ 

Gardiner, RECKITT of South Portland, Senator: CARNEY of Cumberland.

1	Be it enacted by the People of the State of Maine as follows:
2 3	<b>Sec. 1. 18-C MRSA §5-312, sub-§1, ¶A,</b> as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:
4 5	A. Appointment of an emergency guardian is likely to prevent substantial harm to the adult's physical health, safety or welfare;
6 7	For purposes of this paragraph, the delay of discharge of a patient in a hospital until the appointment of a guardian constitutes substantial harm;
8	SUMMARY
9 10 11	This bill provides that the delay of discharge of a patient in a hospital until the appointment of a guardian constitutes substantial harm, thereby meeting one of the criteria for the appointment of an emergency guardian.