

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 329

H. D. No. 68

House of Representatives, Feb. 4, 1925.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for Concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Dwinal of Camden.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Regulate the Appointment of Guardians for Adults and the Appointment of Conservators when the Judge of Probate is Interested and to Amend Sections Four and Ten of Chapter Seventy-two of the Revised Statutes.

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

Section 1. Section Four of Chapter Seventy-two of the
2 Revised Statutes is hereby amended by adding the following
3 after the word "reside" at the end of the first paragraph:

‘But when any Judge is interested, either in his own right,
2 in trust, or in any other manner, or is within the sixth degree
3 of kindred, said application shall be made to, and such ap-
4 pointment shall be made by, the Judge in any adjoining
5 county and the record of said appointment shall show why

6 it was so made,' so that said section as amended shall read
7 as follows:

'Sect. 4. The judge of probate may appoint guardians to
2 the following persons belonging to his county, although over
3 twenty-one years of age, on written application of any of
4 their friends, relatives or creditors, or of the municipal offi-
5 cers or overseers of the poor of the town where they reside;
6 but when the Judge is interested, either in his own right, in
7 trust, or in any other manner, or is within the sixth degree
8 of kindred, said application shall be made to, and such ap-
9 pointment shall be made by, the Judge in any adjoining
10 county and the record of said appointment shall show why
11 it was so made.

'1. All persons, including those insane or of unsound
2 mind, and married women, who, by reason of infirmity or
3 mental incapacity, are incompetent to manage their own es-
4 tates, or to protect their rights.

'2. Persons, who, by excessive drinking, gambling, idle-
2 ness, or debauchery of any kind, have become incapable of
3 managing their own affairs, or who so spend, or waste their
4 estate, as to expose themselves or families to want or suf-
5 fering, or their towns to expense.

'Convicts, committed to the state prison for a term less
2 than for life.'

Sect. 2. Section Ten of Chapter Seventy-two of the Re-
2 vised Statutes is hereby amended by adding thereto the
3 following:

'But when any Judge is interested, either in his own right,

2 in trust, or in any other manner, or is within the sixth de-
3 gree of kindred, said application shall be made to and such
4 appointment shall be made by a Judge in any adjoining
5 county and the record of said appointment shall show why
6 it was so made,' so that said section as amended shall read
7 as follows:

'Sect. 10. Whenever any person shall deem himself un-
2 fitted, by reason of infirmities of age or physical disability,
3 to manage his estate with prudence and understanding he
4 may apply to the judge of probate for the county in which
5 he resides, for the appointment of a conservator of his es-
6 tate, and thereupon the judge of probate may upon hearing,
7 after such notice as he may order, appoint some suitable
8 person as conservator of his estate, and such appointment
9 shall not disfranchise the person for whose estate such con-
10 servator is appointed. The person so appointed shall give
11 bond to the judge of probate in such sum and with such
12 sureties, resident in the state, or with a surety company
13 authorized to do business in the state, as surety, as the judge
14 accepts, conditioned as provided in section twelve, and all
15 provisions of law relating to the management of estates of
16 adult persons under guardianship shall apply to such con-
17 servator, but when any Judge is interested, either in his
18 own right, in trust, or in any other manner, or is within
19 the sixth degree of kindred, said application shall be made
20 to, and such appointment shall be made by, the Judge in
21 any adjoining county and the record of said appointment
22 shall show why it was so made.'