

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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PUBLIC LAWS
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At such hearing, the burden shall be upon the petitioner to establish that the person for whom a guardian is sought to be appointed is so incapacitated by reason of advanced age, physical or mental illness or incapacity or other causes that he is incapable of managing himself and his affairs independently, and requires care and supervision of his person and, estate or both.

Sec. 5. 18 MRSA § 3646, as enacted by PL 1973, c. 631, § 1, is repealed and the following enacted in its place:

§ 3646. Duties of public guardian

Except as otherwise specifically provided in this subchapter, the general provisions of this chapter relating to the powers and duties of guardians of adult persons are applicable to the public guardian acting under this subchapter.

When the public guardian is appointed the guardian of the person of an incapacitated adult, the public guardian shall have custody of the person of the ward and shall determine the ward's place of residence. The public guardian may apply for and effect the placement of any ward in accordance with law, in an appropriate home, hospital or institution having facilities and staff adequate to provide care and supervision consistent with the need of the ward. Any placement, if in a facility described in Title 22, sections 5 and 1811, shall be made only if such facility is duly licensed. In the event that the license of any such facility shall be suspended or revoked, the public guardian having any ward placed therein shall remove such ward and effect an appropriate placement of the ward as soon as practicable after knowledge of the suspension or revocation of the license.

When the public guardian is appointed guardian of the estate of an incapacitated adult, the public guardian may apply for and receive on behalf of the ward any benefits, grants or public aid to which such ward is entitled. The public guardian shall keep books of account or other records showing separately the principal amount received, increments thereto and disbursements therefrom for the benefit of any ward, together with the name of the ward, the source from which the money was received and the purpose for which the money was expended. The public guardian shall settle the account of its ward in accordance with section 3901.

Upon termination of the guardianship, the public guardian shall file with the court its final accounting and shall make disposition of any assets of any such ward then in its hands as ordered by the court. This section shall not abrogate any powers or duties vested by law in the head of any public institution, or vested by the settlor of a trust in the trustee thereof, for the benefit of any ward under the guardianship of the public guardian.

Effective October 24, 1977

CHAPTER 529

AN ACT to Appropriate Money for Revolutionary War Veterans Grave Markers.

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

Appropriation. There is appropriated from the General Fund to the Maine Society of the Sons of the American Revolution the sum of \$1,400 for the biennium 1977-79 to be used for locating, recording and marking graves of veterans of the American Revolution who were buried in Maine. The break-down shall be as follows:

	1977-78	1978-79
MAINE SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION		
All Other	\$700	\$700

Effective October 24, 1977

CHAPTER 530

AN ACT to Authorize Certain School Debt Service Payments to be Offset by Increased Payments to the Treasurer of State.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, administrative units with no state subsidy are at a financial disadvantage in meeting annual debt service payments; and

Whereas, it was the intention of the Legislature that all administrative units be treated in the same fashion; and

Whereas, a new procedure is essential to carry out the intention of the Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20 MRSA § 3748, sub-§ 2, as last amended by PL 1975, c. 754, § 4, is further amended by adding at the end the following new sentence:

The commissioner shall pay the principal and interest on school construction projects approved prior to July 1, 1977, to administrative units which have debt service and receive no state subsidy and to administrative units whose state subsidy is too small to meet their debt service costs. Such administrative units shall pay to the Treasurer of State in 12 equal installments, a sum equal to their debt service costs as defined in section 3743, subsection 10, paragraph A.