

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

imposed on a Medicaid recipient in the custody of the State is to be collected from the state agency having custody of the recipient.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 6, 1983.

CHAPTER 241

H.P. 867 - L.D. 1115

AN ACT to Amend the Probate Code.

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

Sec. 1. 18-A MRS.A §5-303, sub-§(b), as enacted by PL 1979, c. 540, §1, is amended to read:

(b) Upon the filing of a petition, the court shall set a date for hearing on the issues of incapacity and unless the allegedly incapacitated person has counsel of his own choice, it may appoint an appropriate official or attorney to represent him in the proceeding, who shall have the powers and duties of a guardian ad litem. The person alleged to be incapacitated shall be examined by a physician or by a licensed psychologist acceptable to the court who shall submit his report in writing to the court. The court may appoint a visitor who shall interview the allegedly incapacitated person and the person who is seeking appointment as guardian, and visit the present place of abode of the person alleged to be incapacitated and the place it is proposed that he will be detained or reside if the requested appointment is made, and submit his report in writing to the court. The person alleged to be incapacitated is entitled to be present at the hearing in person, and to see and hear all evidence bearing upon his condition. He is entitled to be represented by counsel, to present evidence, to cross-examine witnesses, including the physician and the visitor. The issue may be determined at a closed hearing if the person alleged to be incapacitated or his counsel so requests.

Sec. 2. 18-A MRS.A §5-407, sub-§(b), as enacted by PL 1979, c. 540, §1, is amended to read:

(b) Upon receipt of a petition for appointment

of a conservator or other protective order for reasons other than minority, the court shall set a date for hearing. Unless the person to be protected has counsel of his own choice, the court may appoint a lawyer to represent him who then has the powers and duties of a guardian ad litem. If the alleged disability is ~~mental illness, mental deficiency,~~ physical illness or disability, advanced age, chronic use of drugs, or chronic intoxication, the court may direct that the person to be protected be examined by a physician acceptable to the court, preferably a physician who is not connected with any institution in which the person is a patient or is detained. If the alleged disability is mental illness or mental deficiency, the court may direct that the person to be protected be examined by a physician or by a licensed psychologist acceptable to the court; preferably the physician or psychologist shall not be connected with any institution in which the person is a patient or is detained. The court may send a visitor to interview the person to be protected. The visitor may be a guardian ad litem or an officer or employee of the court.

Sec. 3. 18-A MRSA §5-613, as enacted by PL 1979, c. 540, §1, is amended to read:

§5-613. Incapacitated persons; guardian ad litem costs

Whenever a guardian ad litem is appointed under the provisions of this Code, for an allegedly incapacitated person in need of protective services for whom appointment of the public guardian or conservator is sought under this Part, the cost of the guardian ad litem shall be paid by the Bureau of Mental Retardation in those cases involving persons who are mentally retarded and by the Department of Human Services in all other cases.

Effective September 23, 1983.

CHAPTER 242

H.P. 984 - L.D. 1289

AN ACT Concerning Late Filing Under the
Referendum Campaign Reporting Law.

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

21 MRSA §1417, first ¶, as amended by PL 1979, c.