

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



JULY, 1985

Prepared by:

Martha Freeman, Legislative Assistant
Office of Legislative Assistants
State House, Station 13 Augusta, Maine 04333
(207) 289-1670



STATE LAW LIBRARY
STATE HOUSE

HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, ASST. DIRECTOR
GILBERT W. BREWER
DAVID ELLIOTT
MARTHA FREEMAN
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.

STATE OF MAINE
OFFICE OF LEGISLATIVE ASSISTANTS
ROOM 101
STATE HOUSE, STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-2486

SARAH HOOKE
JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS RYDELL
JOHN SELSER
ANDREA COLNES, RES. ASST.

ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD:

577

AN ACT TO AMEND THE PROBATE CODE TO IMPROVE
GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS

CARPENTER
FOSTER
ALLEN
GAUVREAU

OTP-AM

HOUSE Enacted
SENATE Enacted
GOV SIGNED

PUBLIC
CH # 440

S-176	CA			H	S
H-361	HA/CA	ALLEN		H	S
S-285	SA/CA	TRAFTON		H	S

SUMMARY:

Makes the following primary changes in the Probate Code:

1. Requires a person seeking to become a guardian of an allegedly incapacitated person to file a plan with the court which describes the arrangements the guardian would make for the ward;
2. Requires the Probate Court to appoint a visitor, guardian ad litem or attorney for an allegedly incapacitated person who has no counsel if the petition does not indicate that the allegedly incapacitated person will attend the hearing and the court finds that appointment will serve a useful purpose (the cost of the appointment shall be paid from the allegedly incapacitated person's estate if sufficient funds are available);
3. Requires a visitor, if appointed, to explain the consequences of guardianship to the allegedly incapacitated person;
4. Requires the Probate Court to appoint a guardian and make orders only to the extent necessitated by the incapacitated person's actual limitations;
5. Requires the guardian to report to the court, as specified by the court at the time of the initial order, at the time of a subsequent order, or as provided by court rule, on the ward's and the estate's condition; and
6. Makes similar changes in the Probate Code provisions for conservatorship.