

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



MAY 1986

PREPARED BY:

Martha E. Freeman, Legal Analyst

OFFICE OF POLICY AND LEGAL ANALYSIS
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333
(207) 289-1670



HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, ASST. DIRECTOR
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DAVID C. ELLIOTT
MARTHA E. FREEMAN
JERI B. GAUTSCHI
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
ANDREA L. COLNES, Res. Asst.

ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1986

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

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD
2253

AN ACT TO ENHANCE THE PROTECTION OF MENTAL
HEALTH RECIPIENTS' RIGHTS

PL 1985
c. 654

Sponsor: CARPENTER, Cooper, Lebowitz, Paradis, P.
Committee Report: New Draft of LD 1995.

S-434 CARPENTER H S

SUMMARY: Maine law currently authorizes the execution of a durable power of attorney whereby a principal designates in writing another person to act as his agent and to exercise, on his behalf, certain powers the principal possesses under the law despite the principal's future legal disability or incapacity. This bill specifically enables persons who are unimpaired to designate in writing a person of their choice to consent on their behalf to the provision of medical or other professional care in the event of future disability. Such a durable power of attorney must be notarized. Maine will continue to require a designated agent or attorney-in-fact to account to a legally appointed guardian or conservator, after determination of the principal's legal incapacity, rather than to the principal. The bill permits the guardian or conservator to revoke, suspend or terminate any power of attorney, except with regard to a durable power of attorney to consent to medical or other professional care. To revoke, suspend or terminate this authority, the guardian must petition the Probate Court.

The bill also creates a Mental Health Rights Advisory Board within the Department of Mental Health and Mental Retardation.

LD
2254

AN ACT CONCERNING LIABILITY INSURANCE FOR
COMMERCIAL WHITEWATER OUTFITTERS

PL 1985
c. 669

Sponsor: MCGOWAN
Committee Report: New Draft of LD 1795.

SUMMARY: Maine law currently authorizes the execution of a durable power of attorney whereby a principal designates in writing another person to act as his agent and to exercise, on his behalf, certain powers the principal possesses under the law despite the principal's future legal disability or incapacity. This bill specifically enables persons who are unimpaired to designate in writing a person of their choice to consent on their behalf to the provision of medical or other professional care in the event of future disability. Such a durable power of attorney must be notarized. Maine statutes will continue to require a designated agent or attorney-in-fact to account to a legally appointed guardian or conservator, after determination of the principal's