

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

LD 1850

**An Act to Extend the Commission to Study the Future of
Maine's Courts**

PUBLIC 539

SPONSOR(S)
MARTIN J

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-508

SUMMARY

The bill extends the reporting date and the continuation of the Commission to Study the Future of Maine's Courts from November 15, 1992 to February 28, 1993.

Committee Amendment "A" (H-508) adds a fiscal note.

**LD 1857 An Act Concerning Authorization to Consent to Powers of
Attorney**

CARRIED OVER

SPONSOR(S)
MARSANO
GAUVREAU
PFEIFFER
OTT

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill would amend the Probate Code to make it clear that a guardian is authorized to give or withhold consent in connection with health care decisions. Although it would extend to life-sustaining treatment when the ward is in a terminal condition, it would not apply to artificially administered nutrition and hydration without the prior approval of the court, unless the ward had executed a valid living will to that effect.

The bill would add to the Probate Code new provisions regarding durable powers of attorney. It would include a special durable health care power of attorney.

**LD 1875 An Act to Clarify the Role of Guardians Ad Litem and
Visitors in Guardianship and Conservatorship Cases**

CARRIED OVER

SPONSOR(S)
HOLLOWAY
GAUVREAU
KUTASI
SIMONDS

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill would reorganize the current provisions of the Probate Code on guardianship and conservatorship into a format that makes them more readily usable as a reference for practitioners. The bill would clarify the role of visitors and guardians ad litem and establish specific requirements for them in conducting investigations and making reports. These provisions would ensure that visitors and guardians ad litem meet minimal standards but do not exceed their proper roles in the proceedings.