



130th MAINE LEGISLATURE

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Legislative Document

No. 366

H.P. 264

House of Representatives, February 8, 2021

An Act Regarding Emergency Guardianship

Received by the Clerk of the House on February 4, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator BAILEY of York and
Representatives: BABBIDGE of Kennebunk, EVANGELOS of Friendship, HARNETT of
Gardiner, RECKITT of South Portland, Senator: CARNEY of Cumberland.

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

2 **Sec. 1. 18-C MRSA §5-312, sub-§1, ¶A,** as enacted by PL 2017, c. 402, Pt. A, §2
3 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

4 A. Appointment of an emergency guardian is likely to prevent substantial harm to the
5 adult's physical health, safety or welfare;.

6 For purposes of this paragraph, the delay of discharge of a patient in a hospital until
7 the appointment of a guardian constitutes substantial harm;

8 **SUMMARY**

9 This bill provides that the delay of discharge of a patient in a hospital until the
10 appointment of a guardian constitutes substantial harm, thereby meeting one of the criteria
11 for the appointment of an emergency guardian.