

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1325 - L.D. 1774

**An Act Clarifying the Rights to Legal Representation and To Communicate
with Others for Individuals Subject to Guardianship**

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

Sec. 1. 18-C MRSA §5-310, sub-§2, as amended by PL 2019, c. 417, Pt. A, §35, is repealed and the following enacted in its place:

2. Rights retained. An adult subject to guardianship retains the following rights:

A. The right to vote, unless the court orders otherwise. A court order removing the right to vote must include a finding that the adult cannot communicate, with or without support, a specific desire to participate in the voting process;

B. The right to marry, unless the court orders otherwise. A court order removing the right to marry or placing conditions on the right to marry must include findings that support the removal of the right to marry or support conditions on the right to marry; and

C. The right to retain an attorney for any reason and to communicate freely with counsel, the court, an ombudsman or any advocate for the adult subject to guardianship, including an advocate of the adult subject to guardianship's choosing or a person authorized by law to advocate for the adult subject to guardianship. A person may not interfere with the right of an adult subject to guardianship to retain an attorney or communicate as described in this paragraph.

Sec. 2. 18-C MRSA §5-315, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §44, is repealed.