

§5-807. Decisions by guardian

1. Compliance with expressed wishes; cannot revoke advance health care directive. Except as authorized by a court of competent jurisdiction, a guardian shall comply with the individual subject to guardianship's individual instructions and other wishes, if any, expressed while the individual subject to guardianship had capacity and to the extent known to the guardian and may not revoke the individual subject to guardianship's advance health care directive unless the appointing court expressly so authorizes.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Agent's decision takes precedence. Absent a court order to the contrary, a health care decision of an agent takes precedence over that of a guardian.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

3. Effective without judicial approval; exceptions. A health care decision made by a guardian for the individual subject to guardianship is effective without judicial approval, except under the following circumstances:

A. The guardian's decision is contrary to the individual subject to guardianship's individual instructions and other wishes, expressed while the individual subject to guardianship had capacity; or [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. The guardian seeks to withhold or withdraw life-sustaining treatment from the individual subject to guardianship, against the advice of the individual subject to guardianship's primary physician and in the absence of instructions from the individual subject to guardianship, made while the individual subject to guardianship had capacity. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.