

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act Regarding the Reporting Requirements of Guardians and Conservators**

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

**Sec. 1. 18-A MRSA §5-209, sub-§(e)** is enacted to read:

(e). In addition to the reporting required under subsection (d), the guardian shall file an annual report of all income, expenses and other transactions pertaining to the ward's estate during the preceding 12 months.

**Sec. 2. 18-A MRSA §5-210**, as enacted by PL 1979, c. 540, §1, is amended to read:

### **§ 5-210. Termination of appointment of guardian; general**

A guardian's authority and responsibility ~~terminate~~terminate upon the death, resignation or removal of the guardian or upon the minor's death, adoption, marriage or attainment of majority, but termination does not affect ~~his~~the guardian's liability for prior acts; nor ~~his~~the guardian's obligation to account for funds and assets of ~~his~~the guardian's ward. Resignation of a guardian does not terminate the guardianship until ~~its~~a final accounting of the ward's estate listing all real estate and tangible and intangible property has been filed with and accepted by the court and the resignation has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding.

**Sec. 3. 18-A MRSA §5-306**, as enacted by PL 1979, c. 540, §1, is amended to read:

### **§ 5-306. Termination of guardianship for incapacitated person**

The authority and responsibility of a guardian for an incapacitated person ~~terminate~~terminate upon the death of the guardian or ward, upon the determination of incapacity of the guardian; or upon removal or resignation, after the filing of the final accounting of the protected person's estate listing all real estate and tangible and intangible property has been filed and accepted by the court, as provided in section 5-307. Testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding. Termination does not affect ~~his~~the guardian's liability for prior acts nor ~~his~~the guardian's obligation to account for funds and assets of ~~his~~the guardian's ward.

**Sec. 4. 18-A MRSA §5-312, sub-§(c)** is enacted to read:

(c). A guardian who has responsibility for all or part of the estate of a protected person shall file an annual report of all income, expenses and other transactions pertaining to the protected person's estate during the preceding 12 months.

**Sec. 5. 18-A MRSA §5-419, sub-§(a)**, as amended by PL 2001, c. 280, §2, is further amended to read:

(a). Every conservator shall account to the court for the administration of the trust as specified by the court at the time of the initial order or at the time of a subsequent order or as provided by court rule and upon resignation or removal. In addition, the conservator shall file an annual report of all income, expenses and other transactions pertaining to the protected person's estate during the preceding 12 months. On termination of the protected person's minority or disability, a conservator may account to the court or may account to the former protected person or that person's personal representative. Prior to the termination of the protected person's minority, the conservator shall account to the court and the protected person by filing the final accounting of the protected person's estate listing all real estate and tangible and intangible property with the court.

## SUMMARY

This bill requires the filing of annual reports and a final report, and acceptance of the final report by the court, for a guardian who has responsibility over the estate of a protected person or ward and for a conservator for a protected person.