

# MAINE STATE LEGISLATURE

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Date: 3/1/16

L.D. 1322  
(Filing No. H-539)

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 900, L.D. 1322, Bill, "An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code"

Amend the bill by striking out the title and substituting the following:

**'Resolve, To Direct Legislative Staff To Recodify and Revise the Maine Probate Code and To Direct the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission To Study and Make Recommendations on Related Issues'**

Amend the bill by striking out everything after the title and inserting the following:

**'Sec. 1. Recodification and revision of the Probate Code. Resolved:** That the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes, referred to in this resolve as "legislative staff," shall prepare a recodification and revision of the Maine Revised Statutes, Title 18-A, the Probate Code, for introduction in the First Regular Session of the 128th Legislature. The recodification and revision must incorporate substantive changes recommended by the Probate and Trust Law Advisory Commission, as established in Title 5, section 12004-I, subsection 73-B, in the December 6, 2014 report to the Joint Standing Committee on Judiciary and the revisions submitted November 20, 2015. Legislative staff shall consult with the Probate and Trust Law Advisory Commission and other interested parties in preparing the recodification and revision.

Legislative staff shall submit the recodification and revision to the joint standing committee of the Legislature have jurisdiction over judiciary matters no later than January 15, 2017; and be it further

**Sec. 2. Supported decision making. Resolved:** That the Probate and Trust Law Advisory Commission shall examine the concept of supported decision making, consult with interested parties and make recommendations concerning inclusion of supported decision making in the Probate Code, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature

**COMMITTEE AMENDMENT**

1 having jurisdiction over judiciary matters. The committee may report out legislation to  
2 the First Regular Session of the 128th Legislature related to the subject of the report; and  
3 be it further

4 **Sec. 3. Minor guardianship; adoption; parental rights. Resolved:** That the  
5 Family Law Advisory Commission, as established in the Maine Revised Statutes, Title 5,  
6 section 12004-I, subsection 52-A, shall oversee a comprehensive review of the laws and  
7 procedures concerning minor guardianship and adoption and other provisions implicating  
8 parental rights throughout the Probate Code, including, but not limited to, an evaluation  
9 of the extent to which such laws, procedures and provisions are consistent with family  
10 law policy as set forth elsewhere in the Maine Revised Statutes. The commission shall  
11 ensure the involvement of interested parties and make recommendations, including any  
12 proposed legislation, in a report no later than January 15, 2017 to the joint standing  
13 committee of the Legislature having jurisdiction over judiciary matters. The committee  
14 may report out legislation to the First Regular Session of the 128th Legislature related to  
15 the subject of the report.'

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### SUMMARY

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This amendment replaces the bill, which was a concept draft, with a resolve.

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19 The amendment directs the Office of Policy and Legal Analysis and the Office of the  
20 Revisor of Statutes to prepare a bill that recodifies and revises the Probate Code,  
21 currently the Maine Revised Statutes, Title 18-A. The recodification and revision must  
22 include the substantive changes recommended by the Probate and Trust Law Advisory  
23 Commission in 2014 and 2015. The bill must be submitted to the First Regular Session  
of the 128th Legislature.

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25 The amendment directs the Probate and Trust Law Advisory Commission to study  
26 the concept of supported decision making, consult with interested parties and make  
27 recommendations concerning inclusion of supported decision making in the Probate  
28 Code, including any proposed legislation, in a report no later than January 15, 2017 to the  
29 joint standing committee of the Legislature having jurisdiction over judiciary matters.  
30 The committee may report out legislation to the First Regular Session of the 128th  
Legislature related to the subject of the report.

31

32 The amendment directs the Family Law Advisory Commission to oversee a  
33 comprehensive review of the laws and procedures concerning minor guardianship and  
34 adoption and other provisions implicating parental rights throughout the Probate Code,  
35 including, but not limited to, an evaluation of the extent to which such laws, procedures  
36 and provisions are consistent with family law policy as set forth in other Maine statutes.  
37 The commission is required to ensure that interested parties are involved in the review  
38 and to make recommendations, including any proposed legislation, in a report no later  
39 than January 15, 2017 to the joint standing committee of the Legislature having  
40 jurisdiction over judiciary matters. The committee may report out legislation to the First  
Regular Session of the 128th Legislature related to the subject of the report.

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### FISCAL NOTE REQUIRED

42

(See attached)



# 127th MAINE LEGISLATURE

LD 1322

LR 311(03)

## An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-539)  
Committee: Judiciary  
Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund

#### Fiscal Detail and Notes

Additional costs to the Legislature's Office of the Revisor of Statutes and Office of Program and Legal Analysis are expected to be minor and can be absorbed within existing budgeted resources.