

# MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 617, L.D. 840, Bill, "An Act To Clarify the Duties of Conservators"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 18-A MRSA §5-418, sub-§§(d) and (e) are enacted to read:

(d) If any property not included in the original inventory comes to the knowledge of the conservator or if the conservator or court learns that the value or description indicated in the original inventory for any item is erroneous or misleading, the conservator shall make a supplementary inventory or appraisal showing the market value of the new item or the revised market value or descriptions and the appraisers or other data relied upon, if any, and file it with the court and furnish copies to persons interested in the new information.

(e) When an inventory has not been filed under this section and an interested party makes a prima facie case that property that should have been inventoried is now missing, the conservator has the burden of proving by a preponderance of the evidence that the specific property would properly be excluded from the inventory.'

COMMITTEE AMENDMENT

**SUMMARY**

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4 This amendment replaces the bill. It provides that if a  
6 conservator fails to file the required inventory of the protected  
8 person's estate and an interested person makes a prima facie case  
that property that should have been inventoried is now missing,  
the burden is on the conservator to show that the property would  
properly be excluded from the inventory.

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12 This amendment also requires the conservator to file a  
14 supplementary inventory or appraisal if the conservator or  
court learns that property was omitted from the inventory or that  
the value or description of property included in the inventory is  
erroneous or misleading. A similar provision exists in the law  
governing personal representatives of decedents' estates.