

MAINE STATE LEGISLATURE

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Date: 5/29/07

L.D. 200
(Filing No. H-339)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 171, L.D. 200, Bill, "An Act To Provide Additional Background Information to the Probate Court"

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

'Resolve, To Direct the Study of Providing Additional Background Information to the Probate Court'

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

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in order to convene the study established in this resolve in time to report in December of this year, this resolve needs to take effect immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Sec. 1. Study convened. Resolved: That the Department of Public Safety, Bureau of State Police shall convene a working group to examine the accessibility of criminal history information to the Probate Court in the consideration of individuals for appointment as guardians and conservators under the Maine Revised Statutes, Title 18-A, Article 5. The working group must include members representing the judges of probate, registers of probate, the State Police, the Department of Public Safety, State Bureau of Identification and the Office of the Attorney General. The working group shall review existing state and federal laws concerning the sharing of criminal history information with probate courts, the purposes for which the information would be used, the limits on disclosure of the information and the costs for sharing of the information. The working group shall report to the Joint Standing Committee on Judiciary no later than December

COMMITTEE AMENDMENT

008

COMMITTEE AMENDMENT "A" to H.P. 171, L.D. 200

1 15, 2007 and shall submit any proposed legislation to the committee. The Joint Standing
2 Committee on Judiciary may submit legislation to the Second Regular Session of the
3 123rd Legislature after receiving the report.

4 **Emergency clause.** In view of the emergency cited in the preamble, this
5 legislation takes effect when approved.'

6 **SUMMARY**

7 The Probate Court currently does not have access to criminal history record
8 information. This amendment replaces the bill with a resolve directing the Department of
9 Public Safety, Bureau of State Police to convene a working group to look at providing to
10 the Probate Court access to criminal history information that the Probate Court will use in
11 determining whether an individual should be appointed as a guardian or a conservator.
12 After reviewing the state and federal laws, the working group shall report to the Joint
13 Standing Committee on Judiciary no later than December 15, 2007. The committee may
14 submit legislation after receiving the report.

15 **FISCAL NOTE REQUIRED**
16 (See attached)



123rd MAINE LEGISLATURE

LD 200

LR 1505(02)

An Act To Provide Additional Background Information to the Probate Court

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund