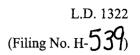


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## JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

# **STATE OF MAINE**

## HOUSE OF REPRESENTATIVES

## **127TH LEGISLATURE**

## SECOND REGULAR SESSION

COMMITTEE AMENDMENT "H" 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:

18 'Sec. 1. Recodification and revision of the Probate Code. Resolved: That 19 the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes, referred 20 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 21 Regular Session of the 128th Legislature. The recodification and revision must 22 23 incorporate substantive changes recommended by the Probate and Trust Law Advisory 24 Commission, as established in Title 5, section 12004-I, subsection 73-B, in the December 25 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 26 27 Advisory Commission and other interested parties in preparing the recodification and 28 revision.

29 Legislative staff shall submit the recodification and revision to the joint standing 30 committee of the Legislature have jurisdiction over judiciary matters no later than January 15, 2017; and be it further 31

32 Sec. 2. Supported decision making. Resolved: That the Probate and Trust Law Advisory Commission shall examine the concept of supported decision making, 33 34 consult with interested parties and make recommendations concerning inclusion of 35 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 36

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# COMMITTEE AMENDMENT

# COMMITTEE AMENDMENT "A" to H.P. 900, L.D. 1322

having 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; and 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.'

#### **SUMMARY**

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

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

The amendment directs the Probate and Trust Law Advisory Commission to study 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 having 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.

The amendment directs the Family Law Advisory Commission to oversee a comprehensive review of the laws and procedures concerning minor guardianship and adoption and other provisions implicating parental rights throughout the Probate Code, including, but not limited to, an evaluation of the extent to which such laws, procedures and provisions are consistent with family law policy as set forth in other Maine statutes. The commission is required to ensure that interested parties are involved in the review and to make recommendations, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having 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.

#### FISCAL NOTE REQUIRED

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(See attached)

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# **COMMITTEE AMENDMENT**

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"History 145



# **127th MAINE LEGISLATURE**

# LD 1322

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

LR 311(03)

# **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.