

MAINE STATE LEGISLATURE

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L.D. 1950

Date: 4-14-22

(Filing No. H-1019)

MAJORITY
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1453, L.D. 1950, "An Act To Implement the Recommendations of the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch"

Amend the bill by striking out all of the emergency preamble.

Amend the bill in Part B in section 41 in paragraph B in the in the last blocked paragraph in the last line (page 15, line 32 in L.D.) by inserting after the following: "2025;" the following: 'or'

Amend the bill in Part C in section 29 in c. 39 in §1902 in subsection 2 in paragraph B in the first line (page 25, line 17 in L.D.) by inserting after the following: "training" the following: 'including training on financial exploitation, domestic abuse and violence'

Amend the bill in Part C in section 29 in c. 39 in §1902 in subsection 3 in the first line (page 25, line 19 in L.D.) by inserting after the following: "requirements" the following: 'including no less than 2 hours of training annually on financial exploitation, domestic abuse and violence'

Amend the bill in Part C in section 43 in paragraph A by striking out all of the 2nd blocked paragraph (page 31, lines 3 to 5 in L.D.).

Amend the bill in Part D by inserting after section 4 the following:

'Sec. D-5. 18-C MRSA §1-305, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

§1-305. Records and certified copies; judicial supervision

The register shall maintain records and files and provide copies of documents as provided in sections 1-501 to 1-511 and further records and copies as the Supreme Judicial Court may by rule provide. The register is subject to the supervision and authority of the judge of the court assigned by the Chief Judge of the Probate Court under Title 4, section 413, subsection 2 as the primary Probate Court Judge in the region in which the register serves.'

COMMITTEE AMENDMENT

1 Amend the bill in Part D by inserting after section 5 the following:

2 'Sec. D-6. 18-C MRSA §1-506, 2nd ¶, as enacted by PL 2017, c. 402, Pt. A, §2
3 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

4 In the case of an absence of the register in a county where a deputy register has not
5 been appointed or in the case of a vacancy in the office of register due to death, resignation
6 or any other cause, the judge assigned by the Chief Judge of the Probate Court under Title
7 4, section 413, subsection 2 as the primary Probate Court Judge in the region shall appoint
8 a suitable person to act as register pro tempore until the register resumes the duties of office
9 or another person is qualified as register. A register pro tempore must be sworn and, if the
10 judge requires it, shall give bond as in the case of the register.

11 Sec. D-7. 18-C MRSA §1-507, as enacted by PL 2017, c. 402, Pt. A, §2 and affected
12 by PL 2019, c. 417, Pt. B, §14, is amended to read:

13 **§1-507. Inspection of register's conduct of office**

14 A The judge assigned by the Chief Judge of the Probate Court under Title 4, section
15 413, subsection 2 as the primary Probate Court Judge in the region shall constantly inspect
16 the conduct of the register with respect to the register's records and duties and give
17 information in writing of any breach of the register's bond to the treasurer of the county,
18 who shall bring a civil action. Any funds recovered in the civil action must be applied
19 toward the expenses of completing the records of the register under the direction of the
20 judge and the surplus, if any, must inure to the county. If the funds are insufficient, the
21 treasurer may recover the deficiency from the register in a civil action.'

22 Amend the bill by inserting after Part D the following:

23 **PART E**

24 Sec. E-1. 5 MRSA §1591, sub-§3, as enacted by PL 2009, c. 213, Pt. QQ, §3, is
25 amended to read:

26 **3. Judicial branch.** The judicial branch must apply:

27 A. Any balance remaining in the debt service program of the judicial branch at the end
28 of any fiscal year to be carried forward for use by the judicial branch in the next fiscal
29 year; and

30 B. Any balance remaining in the Courts - Probate program, General Fund account at
31 the end of any fiscal year to be carried forward for use by this program in the next fiscal
32 year.

33 Sec. E-2. Appropriations and allocations. The following appropriations and
34 allocations are made.

35 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

36 **Maine Commission on Indigent Legal Services Z112**

37 Initiative: Appropriates funds for the costs beginning January 1, 2023, of counsel to be
38 provided for probate court cases for indigent parties entitled to court-appointed counsel
39 under the Maine Revised Statutes, Title 18-C.

40 GENERAL FUND	2021-22	2022-23
41 Personal Services	\$0	\$1,062,500

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GENERAL FUND TOTAL	\$0	\$1,062,500
INDIGENT LEGAL SERVICES, MAINE		
COMMISSION ON		
DEPARTMENT TOTALS		
	2021-22	2022-23
GENERAL FUND	\$0	\$1,062,500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,062,500
JUDICIAL DEPARTMENT		
Courts - Probate N955		
Initiative: Establishes one Chief Judge position, 8 Judge positions, 9 Deputy Marshal positions, 2 Law Clerk positions, 2 Judicial Administrative Assistant positions, one Information Technology Field Technician position, one Facility Engineer position, one Process Planning Manager position and one Help Desk Technician position and provides funding for related All Other costs. Also includes funding for Judicial Department professional services provided in probate court cases including guardian ad litem, visitor, interpreter, court reporter and mediator services. Also includes funding for Judicial Department probate court facility costs, general operations, technology costs and supplies.		
GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	0.000	26.000
Personal Services	\$0	\$1,474,366
All Other	\$0	\$1,299,906
GENERAL FUND TOTAL	\$0	\$2,774,272
JUDICIAL DEPARTMENT		
DEPARTMENT TOTALS		
	2021-22	2022-23
GENERAL FUND	\$0	\$2,774,272
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,774,272
SECTION TOTALS		
	2021-22	2022-23
GENERAL FUND	\$0	\$3,836,772
SECTION TOTAL - ALL FUNDS	\$0	\$3,836,772

Amend the bill by striking out all of the emergency clause.

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment, which is the majority report of the committee, adds appropriations
5 and allocations sections and makes the following changes to the bill:

- 6 1. It makes a minor technical correction to the bill;
- 7 2. It requires court-appointed visitors to receive training on financial exploitation,
8 domestic abuse and violence;
- 9 3. It removes a redundant provision of the bill requiring the Maine Commission on
10 Indigent Legal Services to pay the fees of an attorney appointed to represent the minor
11 adoptee or a party in a proceeding to annul an adoption decree;
- 12 4. It specifies that, beginning January 1, 2025, the Probate Court Judge assigned by the
13 Chief Judge of the Probate Court to serve as the primary Probate Court Judge in the region
14 must oversee the duties of the register of probate in the counties within that region; and
- 15 5. It removes the emergency preamble and emergency clause.

16 **FISCAL NOTE REQUIRED**

17 (See attached)



130th MAINE LEGISLATURE

LD 1950

LR 2578(02)

An Act To Implement the Recommendations of the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch

Fiscal Note for Bill as Amended by Committee Amendment *(A.L.H-1019)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$3,836,772	\$7,361,601	\$7,473,409
Appropriations/Allocations				
General Fund	\$0	\$3,836,772	\$7,361,601	\$7,473,409

Legislative Cost/Study

The general operating expenses of the Commission to Evaluate the Incorporation of the Probate Court into the Judicial Branch are estimated to be \$1,250 in fiscal year 2026-27 and \$2,500 in fiscal year 2026-27. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$2,774,272 beginning in fiscal year 2022-23 to the newly established Court - Probate program within the Judicial Department to establish one Chief Judge position, 8 Judge positions, 9 Deputy Marshal positions, 2 Law Clerk positions, 2 Judicial Administrative Assistant positions, one Information Technology Field Technician position, one Facility Engineer position, one Process Planning Manager position and one Help Desk Technician position and provides funding for related All Other costs. This appropriation also includes funding for Judicial Department professional services provided in probate court cases including guardian ad litem, visitor, interpreter, court reporter and mediator services and for funding for Judicial Department probate court facility costs, general operations, technology costs and supplies. These estimates largely assume six months of costs and services in fiscal year 2022-23 based on a January 1, 2023 effective date.

The bill also includes a General Fund appropriation of \$1,062,500 beginning in fiscal year 2022-23 to the Maine Commission on Indigent Legal Services for the costs beginning January 1, 2023 of counsel for probate court cases to be provided for indigent parties entitled to court-appointed counsel under Title 18-C of the Maine Revised Statutes .