

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

December 2021

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## JOINT STANDING COMMITTEE ON JUDICIARY

### **LD 145 An Act To Amend the Maine Uniform Probate Code**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 4 contains recommendations of the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-C, section 1-803, subsection 2.

1. Chapter 4 amends Title 18-C, section 3-108 to resolve an ambiguity as to whether the provision applies to decedents who died prior to the effective date of Title 18-C, making it clear that section 3-108, subsection 1, paragraph D applies regardless of the date of the decedent's death.
2. Chapter 4 amends section 5-308, subsection 4, section 5-409, subsection 4 and section 5-511, subsection 4 to delay the effective date of the confidentiality of records provisions governing guardianships of adults, conservatorships and other protective proceedings. The Supreme Judicial Court has not yet had an opportunity to consider rules governing confidentiality of records filed with the Probate Courts. Chapter 4 delays the effective date of sections 5-308, 5-409 and 5-511 to January 1, 2023 to provide additional time for the Supreme Judicial Court, in conjunction with the commission and the Advisory Committee on Probate Rules, to complete its review and approval of rules governing confidentiality of records in the Probate Courts. These changes are made retroactive to January 1, 2021.
3. Chapter 4 amends section 5-423, subsection 2, paragraph E to remove the mandatory credit report for the individual subject to conservatorship from the conservator's annual report and accounting and makes the credit report a requirement only if ordered by the court.
4. Chapter 4 amends section 5-431, subsection 8 to clarify that the subsection applies to both the termination and modification of a conservatorship.
5. Chapter 4 amends section 8-301, subsection 2, paragraph A-1 to add a reference to the wrongful death provisions of section 2-807 of Title 18-C to avoid ambiguity as to whether the intestacy provisions of former Title 18-A or the intestacy provisions of Title 18-C govern the distribution of a recovery of a wrongful death claim, making it clear that the date of death of the decedent will control which provisions apply.

Public Law 2021, chapter 4 was enacted as an emergency measure effective March 17, 2021.

### **LD 159 An Act To Eliminate Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 139 removes all previously established time limits for both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust lands under the terms of the Maine Indian Claims Settlement Implementing Act.