



130th MAINE LEGISLATURE

LD 480

LR 646(03)

An Act To Establish a Presumption of Entitlement to Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Funded

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$818,604	\$818,604	\$818,604
Appropriations/Allocations				
General Fund	\$0	\$818,604	\$818,604	\$818,604

State Mandates

Required Activity	Unit Affected	Local Cost
Requires Probate Courts to appoint an attorney for every adult in a guardianship, conservatorship or other protective arrangement proceeding unless the court finds that the adult knowingly and voluntarily refuses such representation.	County	\$795,000

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$715,500 beginning in fiscal year 2022-23 to a newly created County Probate Counsel Reimbursement Program in the Department of Administrative and Financial Services to reimburse counties for 90% of the costs of mandated counsel appointed in Probate Court cases. The bill also includes General Fund appropriations to the Department of Health and Human Services of \$103,104 beginning in fiscal year 2022-23 for increased legal costs to the Department of Health and Human Services due to an expected increase in litigation.