

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

## SUMMARY

The Probate Court currently does not have access to criminal history record information. This amendment replaces the bill with a resolve directing the Department of Public Safety, Bureau of State Police to convene a working group to look at providing to the Probate Court access to criminal history information that the Probate Court will use in determining whether an individual should be appointed as a guardian or a conservator. After reviewing the state and federal laws, the working group shall report to

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

the Joint Standing Committee on Judiciary no later than December 15, 2007. The committee may submit legislation after receiving the report.

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