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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” 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:

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

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

Sec. 2. Supported decision making. Resolved: That the Probate and Trust Law Advisory Commission shall examine 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

COMMITTEE AMENDMENT

1 having jurisdiction over judiciary matters. The committee may report out legislation to
2 the First Regular Session of the 128th Legislature related to the subject of the report; and
3 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.'

16 SUMMARY

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

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

24 The amendment directs the Probate and Trust Law Advisory Commission to study
25 the concept of supported decision making, consult with interested parties and make
26 recommendations concerning inclusion of supported decision making in the Probate
27 Code, including any proposed legislation, in a report no later than January 15, 2017 to the
28 joint standing committee of the Legislature having jurisdiction over judiciary matters.
29 The committee may report out legislation to the First Regular Session of the 128th
30 Legislature related to the subject of the report.

31 The amendment directs the Family Law Advisory Commission to oversee a
32 comprehensive review of the laws and procedures concerning minor guardianship and
33 adoption and other provisions implicating parental rights throughout the Probate Code,
34 including, but not limited to, an evaluation of the extent to which such laws, procedures
35 and provisions are consistent with family law policy as set forth in other Maine statutes.
36 The commission is required to ensure that interested parties are involved in the review
37 and to make recommendations, including any proposed legislation, in a report no later
38 than January 15, 2017 to the joint standing committee of the Legislature having
39 jurisdiction over judiciary matters. The committee may report out legislation to the First
40 Regular Session of the 128th Legislature related to the subject of the report.

41 FISCAL NOTE REQUIRED

42 (See attached)