

STATE OF MAINE  
SUPREME JUDICIAL COURT



VALERIE STANFILL  
CHIEF JUSTICE

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May 1, 2025

Hon. Anne Carney  
Senate Chair, Judiciary Committee  
Maine State Legislature  
3 State House Station  
Augusta, Maine 04333-0003

Hon. Amy Kuhn  
House Chair, Judiciary Committee  
Maine State Legislature  
2 State House Station  
Augusta, Maine 04333-0002

Re: Rules Governing the Confidentiality of Records in Probate Court  
Proceedings

Greetings Senator Carney and Representative Kuhn,

Pursuant to P.L. 2025, ch. 18, § 18 (effective April 1, 2025), I am pleased to provide a report to the Judiciary Committee summarizing the Court's progress toward adopting amendments to the Maine Rules of Probate Procedure governing the confidentiality of records in minor guardianship, adult guardianship, conservatorship, and other protective arrangement proceedings.

By way of background, in 1980, the Supreme Judicial Court created the Advisory Committee on the Maine Rules of Probate Procedure. This Advisory Committee initially drafts amendments to the Maine Rules of Probate Procedure and recommends those rules to the Court for public notice and comment, and, ultimately, adoption. This nine-member Advisory Committee is currently composed of two Probate Judges, two Registers of Probate, three attorneys in private practice, one attorney from Legal Services for Maine Elders, and one attorney from Disability Rights Maine. I mention this because P.L. 2025, ch. 18 specifically addresses access to confidential records by both Legal Services for Maine Elders and Disability Rights Maine.

By way of further background, you may recall that on January 28, 2025, the Maine Supreme Judicial Court published for public comment proposed amendments to the Maine Rules of Probate Procedure that addressed the issue of confidentiality of records in adult guardianship, conservatorship, and other protective arrangement proceedings pursuant to the then-current statutes relating to this issue. These proposed amendments, however, were broader in scope and addressed electronic filing in the probate courts generally. Moreover, the statutory confidentiality provisions (18-C M.R.S. §§ 5-205, 5-308, 5-409 & 5-511) that these proposed amendments were intended to address were further amended by P.L. 2025, ch. 18, requiring further revisions to the proposed amendments. The proposed rules that were posted for comment in January generated a substantial amount of commentary and many substantive suggestions.

Since P.L. 2025, ch. 18 was enacted, the Advisory Committee on the Maine Rules of Probate Procedure has met to discuss incorporating the recent change in law into rule. Knowing of the Judiciary Committee's interest in resolving the matter of confidentiality in rule as quickly as possible, the Advisory Committee has decided to prepare proposed amendments that simply address the confidentiality matters contained in P.L. 2025, ch. 18 and to postpone tackling the amendments regarding electronic filing generally. This will expedite the formulation of proposed amendments and narrow the scope of public comments on these proposed amendments.

Since P.L. 2025, ch. 18 was proposed, the Advisory Committee has also been in contact with the Litigation Director of Legal Services for Maine Elders and a representative of the Maine Hospital Association to gather their input regarding these confidentiality rules.

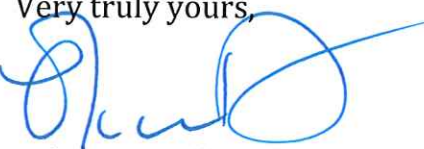
At this time, the Advisory Committee is working with the electronic filing system's IT vendor to understand the technological capabilities of the electronic filing system to implement the confidentiality statutes. In particular, we are working to devise a system that would allow certain users to have continued access to records, while limiting access generally. Practically speaking, rules that cannot be implemented through existing technology are of limited utility.

The Advisory Committee's goal is to develop a fuller understanding of the technological capabilities of the electronic filing system over the next month. From there, the Advisory Committee plans to produce draft proposed amendments that are confined to harmonizing the Maine Rules of Probate Procedure with the newly enacted statute by early July. The Advisory Committee then intends to solicit comments from the specific groups indicated in P.L. 2025, ch. 18 that would have additional access to records under the law (Department of Health and Human Services, Office of the Attorney General, Disability Rights Maine, Maine Hospital Association, and Legal Services for Maine Elders)

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*Hon. Amy Kuhn*  
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before providing the draft proposed amendments to the Supreme Judicial Court for public notice and comment. After public comments are addressed, the amendments could then be finally adopted.

Very truly yours,  
  
Valerie Stanfill  
Chief Justice

VS/nms

cc: Barbara Cardone, Director of Legal Affairs and Public Relations  
Janet Stocco, Legislative Analyst  
Elias Murphy, Legislative Analyst  
Susan Pinette, Committee Clerk