

**PART KK**

**Sec. KK-1. 18-C MRSA §5-415, sub-§1**, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**1. Bond or collateral.** Requiring the conservator to furnish bond or collateral or additional bond or collateral or allowing a reduction in a bond or collateral previously furnished; This subsection does not apply to a public conservator.

**Sec. KK-2. 18-C MRSA §5-416, sub-§5**, is enacted to read:

**5. Public conservator.** The court may not require a bond for a public conservator.

**Sec. KK-3. 18-C MRSA §5-710**, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**§5-710. Bond not required**

The public guardian or conservator is not required to file bonds in individual guardianships or conservatorships; ~~but shall give a surety bond for the joint benefit of the individuals subject to guardianship or protected persons placed under the responsibility of the public guardian or conservator and the State, with a surety company or companies authorized to do business within the State, in an amount not less than the total value of all assets held by the public guardian or conservator, which amount must be computed at the end of each state fiscal year and approved by the Probate Court for Kennebec County. At no time may the bond of each of the public guardians or conservators be less than \$500 respectively.~~

**Sec. KK-4. 18-C MRSA §5-711, sub-§1**, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**1. Reasonable expenses; account for costs.** The public guardian or conservator may receive such reasonable amounts for its expenses as guardian or conservator as the Probate Court may allow. The amounts so allowed must be allocated to an account from which may be drawn expenses for filing fees, ~~bond premiums~~, court costs and other expenses required in the administration of the functions of the public guardian or conservator. No amounts thus received may inure to the benefit of any employee of the public guardian or conservator. Any balance in the account at the end of a fiscal year does not lapse but is carried forward from year to year and used for the purposes provided for in this subsection.

**PART KK  
SUMMARY**

This Part eliminates the requirement that a public guardian or public conservator furnish a bond. The Maine Supreme Judicial Court held in *Perry v. Dean*, 2017 ME 35, that the State, having not explicitly waived its sovereign immunity provided under the Maine Tort Claims Act,

is immune to claims against the State for breach of fiduciary duty owed to the person subject to public guardianship or public conservatorship.