

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

## **An Act To Create the Probate and Trust Law Advisory Commission**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §12004-I, sub-§73-B** is enacted to read:

**73-B.**

	<u>Expenses Only</u>	<u>18-A MRSA §1-801</u>
<u>Probate and Trust Law</u>	<u>Probate and Trust Law Advisory Commission</u>	

**Sec. 2. 18-A MRSA Art. 1, Pt. 8** is enacted to read:

### **PART 8**

#### **PROBATE AND TRUST LAW ADVISORY COMMISSION**

##### **§ 1-801. Commission established**

The Probate and Trust Law Advisory Commission, established in Title 5, section 12004-I, subsection 73-B and referred to in this Part as "the commission," is created for the purpose of conducting a continuing study of the probate and trust laws of the State.

**1. Membership.** The commission is composed of 10 members who have experience in practicing probate and trust law or be knowledgeable about probate and trust law. The membership of the commission must include:

- A. Two Probate Court Judges, appointed by the Governor;
- B. One Superior Court Justice, appointed by the Chief Justice of the Supreme Judicial Court;
- C. Five members of the trusts and estates law section of the Maine State Bar Association, appointed by the Chief Justice of the Supreme Judicial Court;
- D. One member representing the interests of older people, appointed by the Governor; and
- E. The Attorney General, or the Attorney General's designee.

**2. Terms.** A member is appointed for a term of 3 years and may be reappointed.

**3. Vacancies.** In the event of the death or resignation of a member, the appointing authority under subsection 1 shall appoint a qualified person for the remainder of the term.

##### **§ 1-802. Consultants; experts**

Whenever it considers appropriate, the commission shall seek the advice of consultants or experts, including representatives of the legislative and executive branches, in fields related to the commission's duties.

### **§ 1-803. Duties**

**1. Examine, evaluate and recommend.** The commission shall:

A. Examine this Title and Title 18-B and draft amendments that the commission considers advisable;

B. Evaluate the operation of this Title and Title 18-B and recommend amendments based on the evaluation;

C. Examine current laws pertaining to probate and trust laws and recommend changes based on the examination; and

D. Examine any other aspects of the State's probate and trust laws, including substantive, procedural and administrative matters, that the commission considers relevant.

**2. Propose changes.** The commission may propose to the Legislature, at the start of each session, changes in the probate and trust laws and in related provisions that the commission considers appropriate.

### **§ 1-804. Organization**

The Chief Justice of the Supreme Judicial Court shall notify all members of the commission of the time and place of the first meeting of the commission. At that time the commission shall organize, elect a chair, vice-chair and secretary-treasurer from its membership and adopt rules governing the administration of the commission and its affairs. The commission shall maintain financial records as required by the State Auditor.

### **§ 1-805. Federal funds**

The commission may accept federal funds on behalf of the State.

## **SUMMARY**

This bill establishes the Probate and Trust Law Advisory Commission, which is modeled on the Family Law Advisory Commission and the Criminal Law Advisory Commission, to conduct an ongoing evaluation of probate and trust laws and to recommend amendments based on that examination.