



130th MAINE LEGISLATURE

LD 480

LR 646(01)

An Act To Establish a Presumption of Entitlement to Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding

Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Cardone of Bangor

Committee: Judiciary

Fiscal Note Required: Yes

Preliminary Fiscal Impact Statement

Potential State Mandate - Unfunded

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$103,104	\$103,104	\$103,104	\$103,104
Appropriations/Allocations				
General Fund	\$103,104	\$103,104	\$103,104	\$103,104

State Mandates

Required Activity

Requires Probate Courts to appoint an attorney for every adult in a guardianship, conservatorship or other protective arrangement proceeding unless the court finds that the adult knowingly and voluntarily refuses such representation.

Unit Affected

Municipality

Local Cost

Significant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

The Department of Health and Human Services will require General Fund appropriations of \$103,104 beginning in fiscal year 2021-22 for increased legal costs to the Department of Health and Human Services due to an expected increase in litigation.