

126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 321

H.P. 230

House of Representatives, February 7, 2013

Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code

Reported by Representative PRIEST of Brunswick for the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2. Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. Macfarland MILLICENT M. MacFARLAND Clerk **Preamble. Whereas,** the current Probate Code was enacted in 1980 based on the Uniform Probate Code in effect at that time; and

Whereas, since its original adoption in 1980 the Uniform Probate Code has been substantially revised by the Uniform Law Commission, including an update adopted in 1990, technical and substantive amendments adopted in 2008 and technical amendments adopted in 2010 and refined in 2011; and

Whereas, it is in the best interest of Maine citizens and residents to have up-to-date statutes consistent with those of other states and that address issues that arise in today's social and technological environment; and

Whereas, the Probate and Trust Law Advisory Commission is authorized to examine and evaluate the operation of the Probate Code and recommend changes; now, therefore, be it

Sec. 1. Review. Resolved: That the Probate and Trust Law Advisory Commission established under the Maine Revised Statutes, Title 5, section 12004-I, subsection 73-B is directed to conduct a review of the current Probate Code and the latest Uniform Probate Code and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission shall invite the participation of interested parties in the review and in the development of recommendations; and be it further

Sec. 2. Report. Resolved: That the Probate and Trust Law Advisory Commission shall submit a report regarding the review in section 1 to the Joint Standing Committee on Judiciary no later than December 1, 2013, together with any necessary implementing legislation, for presentation to the Second Regular Session of the 126th Legislature. The Probate and Trust Law Advisory Commission is authorized to submit a bill related to its report to the Second Regular Session of the 126th Legislature.

26 SUMMARY

This resolve directs the Probate and Trust Law Advisory Commission to conduct a review of the current Probate Code and the latest version of the Uniform Probate Code adopted by the Uniform Law Commission and to make legislative recommendations based on the review. The Probate and Trust Law Advisory Commission is directed to invite interested parties to participate in the review. The Probate and Trust Law Advisory Commission is required to submit a report to the Joint Standing Committee on Judiciary by December 1, 2013 that includes legislative recommendations and may submit a bill to the Second Regular Session of the 126th Legislature.