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Testimony of Representative Amy D. Kuhn introducing

LD 966, An Act Allowing Access by State Agencies and Hospitals to Certain Confidential Probate Court Records If the Access Is in the Public Interest

Before the Joint Standing Committee on Judiciary

Senator Carney and distinguished members of the Judiciary Committee, I am Amy Kuhn, proudly representing House District 111 in the town of Falmouth. It is a pleasure to be with you today to introduce **LD 966, An Act Allowing Access by State Agencies and Hospitals to Certain Confidential Probate Court Records If the Access Is in the Public Interest**.

In 2019, the Maine probate code was updated to include new confidentiality provisions relating to public access to certain probate records. At that time, the Legislature set a date of Jan. 1, 2021 for the Judiciary to promulgate rules regarding access to these records in order to allow for parties such as the Office of the Attorney General (OAG) and the Department of Health and Human Services (DHHS) to continue to access records to conduct the routine business of adult protective services, conservatorship and guardianship.

By 2021, the rules had not been promulgated, and records that were previously available to the public and these governmental organizations would have become inaccessible. In response, the Legislature has twice extended the rulemaking deadline to avoid the halt of these important services due to inaccessible records.

Early this year, the Judiciary promulgated preliminary rules regarding this section, but they did not include provisions for access by the OAG, DHHS or any of the other entities that routinely engage in guardianship, conservatorship or protective arrangements. Without additional action, these entities will lose access on April 1, 2025. As such, the Office of the Attorney General asked me to submit this bill and further requested that the bill be considered as an emergency to allow critical adult protective work to continue.

Committee members may recall that the Judicial Branch was before us quite recently, offering an update on these rules. At that time, it was anticipated that the updated rules would be ready by the April 1 deadline or soon thereafter. I expect we will get an update on that status today.

A representative from the Office of the Attorney General will follow me to present more information on this bill, and I invite you to direct your questions to them.

District 111: Falmouth (part)

Thank you for the opportunity to introduce this bill to the Committee.