

To:
Senator Anne Carney, Chair
Joint Standing Committee on Judiciary

Senator Carney and members of the Joint Standing Committee on Judiciary:

Testimony Neither for Nor Against LD 1766 An Act to Incorporate Probate Judges into the Maine Judicial Branch.

My name is Regina Bowie, and I live in Presque Isle, Maine. I am a former board member of Speaking Up For Us (SUFU), a current member of SUFU, and I currently serve as Treasurer of the Maine Developmental Disabilities Council.

I am submitting this testimony to share my perspective on LD 1766. I am neither fully in favor of nor fully opposed to this bill. My position is based on both my lived experience with the court system and my hope for meaningful improvements if this change is implemented thoughtfully and responsibly.

I see value in moving probate matters into a statewide judicial system, particularly if it results in greater consistency. Having judges appointed rather than elected may help reduce favoritism and increase uniform standards across counties. Consistency is critically important, especially for people with disabilities who rely on fair and predictable legal processes.

My neutrality comes from personal experiences in court where I felt misunderstood, mistreated, and failed by the system. In matters that were extremely important to me, favoritism appeared to outweigh fairness, and my needs as a person with a disability were not properly recognized or respected. These experiences have left me cautious about assuming that a structural change alone will automatically lead to better outcomes.

If probate courts are incorporated into the Maine Judicial Branch, it is essential that this change be accompanied by strong checks and balances, robust oversight, and mandatory training. Judges, court staff, and even courthouse security personnel must be trained to understand intellectual and developmental disabilities, physical disabilities, and different communication styles. Courts must also provide and accept all forms of communication, including assistive technology and communication devices, so that people who do not speak verbally are fully understood and not unfairly judged.

Too often, people with disabilities are assumed to be incapable of representing themselves. These assumptions can lead to unnecessary or inappropriate guardianship. My fiancé is currently under guardianship, and I believe this happened in part because he did not receive proper representation, understanding, or support to demonstrate his ability to make decisions for himself. With a more consistent system, appropriate training, and proper safeguards, I hope that people like him will have a fair opportunity to pursue self-guardianship or less restrictive alternatives without bias or assumptions.

It is also critically important that courts focus on the individual involved, not default to favoring family members when there may be conflict. Unless there is clear evidence otherwise, the person whose rights are at issue must remain at the center of the process.

In summary, I believe LD 1766 has the potential to improve Maine's probate system, but only if it includes strong commitments to fairness, accessibility, communication access, disability competence, and accountability. Without those protections, the same harms and inequities could continue under a different structure.

Thank you for the opportunity to share my perspective and for your careful consideration of how changes to the probate system will impact people with disabilities across Maine.

Respectfully submitted,
Regina Bowie