Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Uniform Probate Code took effect September 1, 2019, but the new confidentiality of records provisions applicable to adult guardianships, conservatorships and other protective arrangements were delayed until January 1, 2023 to allow the development and adoption of rules governing those records by the Supreme Judicial Court; and

Whereas, the rules governing confidentiality of probate court records have not yet been adopted; and

Whereas, the effective date of the statutory provisions should be delayed until the rules are adopted and any appropriate statutory amendments can be made; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill in section 5 in §2-403 in the indented paragraph in the 4th line from the end (page 3, line 8 in L.D.) by striking out the following: "and" and inserting the following: "or"

Amend the bill in section 12 in subsection 4 in the first line (page 4, line 20 in L.D.) by striking out the following: "January" and inserting the following: 'January April'

Amend the bill in section 13 in subsection 4 in the first line (page 4, line 23 in L.D.) by striking out the following: "January" and inserting the following: 'January April'
Amend the bill in section 14 in subsection 4 in the first line (page 4, line 26 in L.D.) by striking out the following: "January" and inserting the following: 'January April'

Amend the bill in section 15 in §6-417 in the 5th indented paragraph in the 4th line (page 6, line 14 in L.D.) by inserting after the following: "TOD" the following: 'deed'

Amend the bill by inserting after section 16 the following:

'Sec. 17. Report. The Supreme Judicial Court shall submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1, 2025 summarizing the court's progress toward adopting rules governing the confidentiality of records in probate court proceedings, specifically rules governing the confidentiality of adult guardianship, conservatorship and other protective arrangement proceedings, and identifying any potential conflicts between the adopted or proposed rules and any provisions of the Maine Uniform Probate Code. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation to the 132nd Legislature in 2025 based on the report.'

Amend the bill by adding before the summary the following:

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

### SUMMARY

This amendment further delays, until April 1, 2025, the effective date of the statutes governing the confidentiality of records in proceedings for guardianships of adults, conservatorships and other protective arrangements. The amendment directs the Supreme Judicial Court to submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 2025 summarizing the court's progress toward adopting rules governing the confidentiality of records in probate court proceedings and identifying any potential conflicts between the adopted or proposed rules and any provisions of the Maine Uniform Probate Code.

The amendment also adds an emergency preamble and emergency clause and corrects errors.

The Maine Comments to the sections of the Maine Uniform Probate Code amended by this legislation that were submitted by the Probate and Trust Law Advisory Commission follow.

**Maine Comment for Title 18-C, section 1-504**

To maintain the confidentiality of the financial information included in a petition for the elective share, the register is required to certify to the registry of deeds an abstract of the petition rather than the complete petition.

**Maine Comment for Title 18-C, section 2-402**

The homestead allowance has priority over all claims against the estate except costs and expenses of administration and reasonable funeral expenses. See the priority of claims in section 3-805(1). The spouse or minor or dependent children need not present a demand
for payment of the homestead allowance. The personal representative has an affirmative
obligation to pay the homestead allowance as soon as reasonably possible after the personal
representative is satisfied that there are sufficient assets available to pay costs and expenses
of administration and reasonable funeral expenses.

Maine Comment for Title 18-C, section 2-403

The exempt property right has priority over all claims against the estate except costs
and expenses of administration, reasonable funeral expenses, the homestead allowance, and
the family allowance. See the priority of claims in section 3-805(1). The spouse or children
need not present a demand for satisfaction of the exempt property right. The personal
representative has an affirmative obligation to distribute assets to satisfy the exempt
property as soon as reasonably possible after the personal representative is satisfied that
there are sufficient assets available to pay costs and expenses of administration, reasonable
funeral expenses, the homestead allowance, and the family allowance. The decedent may,
by will, expressly exclude one or more adult children from the right to receive exempt
property.

Maine Comment for Title 18-C, section 2-404

The family allowance has priority over all claims against the estate except costs and
expenses of administration, reasonable funeral expenses, and the homestead allowance. See
the priority of claims in section 3-805(1). The spouse or children need not present a demand
for payment of the family allowance. The personal representative has an affirmative
obligation to pay the family allowance as soon as reasonably possible after the personal
representative is satisfied that there are sufficient assets available to pay costs and expenses
of administration, reasonable funeral expenses, and the homestead allowance.

Maine Comment for Title 18-C, section 3-108, subsection 1, paragraphs D and E

Maine deviates from the Uniform Probate Code by permitting the informal or formal
filing of an appointment proceeding or testacy proceeding more than 3 years after the
decedent’s death for the purposes stated in paragraphs D and E.

Maine Comment for Title 18-C, section 6-417

The template transfer on death deed is not intended to be printed and used as a “fill in
the blank” document. Rather, it is provided for the purpose of being used as a starting
template for preparation of a deed that complies in all respects with deed signing and
recording requirements.

Maine Comment for Title 18-C, section 6-418

The template for revocation of a transfer on death deed is not intended to be printed
and used as a “fill in the blank” document. Rather, it is provided for the purpose of being
used as a starting template for preparation of a document that complies in all respects with
signing and recording requirements.

FISCAL NOTE REQUIRED

(See attached)