

MAINE STATE LEGISLATURE

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Date: 5/29/25

(Filing No. S-179)

MAJORITY

JUDICIARY

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 223, L.D. 505, "An Act to Update Processes and Fees in the Probate Court System"

Amend the bill by striking out all of sections 1, 2 and 3.

Amend the bill in section 4 in §1-602 in the first line (page 1, line 41 in L.D.) by inserting after the following: "fees" the following: 'exception'

Amend the bill in section 4 in §1-602 in the first indented paragraph in the first line (page 2, line 1 in L.D.) by inserting after the following: "15" the following: 'and except when the court grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure, Rule 91'

Amend the bill in section 4 in §1-602 in the first indented paragraph in the last line (page 2, line 2 in L.D.) by inserting after the following: "documents." the following: 'The register shall ensure that copies of the in forma pauperis application and affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to parties making requests as described in this section.'

Amend the bill by striking out all of sections 5 and 6 and inserting the following:

'Sec. 5. 18-C MRSA §1-607, sub-§1, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

1. Surcharge: exception. In addition to any other fees required by law, a register shall collect a surcharge of \$10 \$15 per petition, application or complaint, except for name changes, filed in the court unless the court grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure, Rule 91. The register shall ensure that copies of the in forma pauperis application and affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to parties filing petitions, applications or complaints in the court.

Sec. 6. 18-C MRSA §1-701, sub-§4, as amended by PL 2021, c. 250, §2, is further amended to read:

COMMITTEE AMENDMENT

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4. **Filing fee.** The fee for filing a name change petition is ~~\$75~~ \$90 unless the court grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure, Rule 91. The register shall ensure that copies of the in forma pauperis application and affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to persons filing name change petitions with the court.

Amend the bill by inserting after section 7 the following:

'Sec. 8. 18-C MRSA §5-304, sub-§5 is enacted to read:

5. Quasi-judicial immunity. A person appointed by the court as a visitor acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the visitor.'

Amend the bill by inserting after section 8 the following:

'Sec. 9. 18-C MRSA §5-506, sub-§6 is enacted to read:

6. Quasi-judicial immunity. A person appointed by the court as a visitor acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the visitor.'

Amend the bill by striking out all of sections 10 and 11 and inserting the following:

'Sec. 10. 18-C MRSA §9-301, first ¶, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

Spouses or unmarried persons jointly or an unmarried person, whether resident or nonresident of the State, may petition the court to adopt a person, regardless of age, and to change that person's name. The fee for filing the petition is ~~\$65 plus~~ \$75 unless the court grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure, Rule 91. The register shall ensure that copies of the in forma pauperis application and affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to persons filing petitions for adoption. If the court has not granted a motion to proceed in forma pauperis, in addition to the filing fee, the petitioner or petitioners must pay:

Sec. 11. 18-C MRSA §9-312, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1 and PL 2019, c. 417, Pt. B, §14, is amended to read:

§9-312. Foreign adoptions

If an adoption in a foreign country has been finalized and the adopting parents are seeking an adoption under the laws of this State to give recognition to the foreign adoption, a court may enter a decree of adoption based solely upon a judgment of adoption in a foreign country and may order a change of name if requested by the adopting parents. The fee for filing the petition is ~~\$55~~ \$70 unless the court grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure, Rule 91. The register shall ensure that copies of the in forma pauperis application and affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to parties filing petitions under this section.

Sec. 12. **Appropriations and allocations.** The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Office of Aging and Disability Services Adult Protective Services Z040

COMMITTEE AMENDMENT "A" to S.P. 223, L.D. 505 (S-179)

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Initiative: Provides funding for increased probate court filing fees.

GENERAL FUND	2025-26	2026-27
All Other	\$28,168	\$32,448
GENERAL FUND TOTAL	<u>\$28,168</u>	<u>\$32,448</u>

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

SUMMARY

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It removes the provision of the bill requiring that the filing fees throughout the Maine Uniform Probate Code must be automatically adjusted for inflation after 2025.

2. It clarifies that parties subject to filing fees under the Maine Uniform Probate Code must be provided an opportunity to file a motion under the Maine Rules of Probate Procedure, Rule 91 for waiver of those fees and requires registers to ensure that copies of the application and affidavit required to file a motion under Rule 91 are made available to all persons who may be subject to a filing fee.

3. It removes the provision of the bill requiring parties that file a petition, motion or other document with a probate court that is created with the assistance of artificial intelligence technology to verify the accuracy of the petition, motion or other document and authorizing the imposition of sanctions on parties that violate this requirement.

The amendment also clarifies that a visitor appointed by a probate court in a guardianship or other protective arrangement proceeding is entitled to quasi-judicial immunity for acts performed within the scope of the visitor's duties. Under the bill, only visitors appointed by a probate court in conservatorship proceedings are entitled to quasi-judicial immunity for acts performed within the scope of the visitor's duties.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



132nd MAINE LEGISLATURE

LD 505

LR 934(02)

An Act to Update Processes and Fees in the Probate Court System

Fiscal Note for Bill as Amended by Committee Amendment "A(S-179)"
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$28,168	\$32,448	\$37,378	\$43,058
Appropriations/Allocations				
General Fund	\$28,168	\$32,448	\$37,378	\$43,058

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$28,168 in fiscal year 2025-26 and \$32,448 in fiscal year 2026-27 for increased filing fees in the probate court system.