

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 505

S.P. 223

In Senate, February 11, 2025

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

Received by the Secretary of the Senate on February 7, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.
Cosponsored by Representative COLLINS of Sidney and
Senators: BRADSTREET of Kennebec, LAWRENCE of York, Representatives: HASENFUS
of Readfield, KUHN of Falmouth, SINCLAIR of Bath, STOVER of Boothbay.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 18-C MRSA §1-108, sub-§1, ¶B**, as amended by PL 2023, c. 390, §1, is
3 further amended to read:

4 B. "Reference base index" means:

5 (1) With respect to calculations made under ~~this section~~ subsection 2 relating to
6 dollar amounts stated in sections 2-102, 2-402, 2-403, 2-405 and 3-1201, the
7 Consumer Price Index for calendar year 2017; ~~and~~

8 (2) With respect to calculations made under ~~this section~~ subsection 2 relating to
9 the dollar amount stated in section 2-807 for loss of comfort, society and
10 companionship, the Consumer Price Index for calendar year 2023; ~~and~~

11 (3) With respect to calculations made under subsection 3, the Consumer Price
12 Index for calendar year 2024.

13 **Sec. 2. 18-C MRSA §1-108, sub-§3** is enacted to read:

14 **3. Automatic adjustment of filing fees.** The filing fee dollar amounts stated in
15 sections 1-602, 1-701, 9-301 and 9-312 apply to the fees assessed when the petition or
16 motion referenced in those sections is filed with the court in 2025, but for petitions or
17 motions filed after 2025, these dollar amounts must be increased or decreased if the
18 Consumer Price Index for the calendar year immediately preceding the year in which the
19 petition or motion was filed exceeds or is less than the reference base index. The amount
20 of any increase or decrease is computed by multiplying each dollar amount by the
21 percentage by which the Consumer Price Index for the calendar year immediately
22 preceding the year in which the petition or motion was filed exceeds or is less than the
23 reference base index. If any increase or decrease produced by the computation is not a
24 multiple of \$5, the increase or decrease is rounded down, if an increase, or up, if a decrease,
25 to the next multiple of \$5. With respect to calculations made under this subsection, if the
26 Consumer Price Index for calendar year 2024 is changed by the United States Department
27 of Labor, Bureau of Labor Statistics, the reference base index must be revised using the
28 rebasings factor reported by the Bureau of Labor Statistics or other comparable data if a
29 rebasings factor is not reported.

30 **Sec. 3. 18-C MRSA §1-112** is enacted to read:

31 **§1-112. Use of artificial intelligence technology in documents filed with the court**

32 **1. Verification of court filing.** A party that uses artificial intelligence technology to
33 create or to assist in creating any petition, motion or other document filed with the court
34 shall submit an affidavit verifying the accuracy of the portions of the petition, motion or
35 other document that were created using artificial intelligence technology.

36 **2. Sanctions for noncompliance.** If the court finds that a party failed to comply with
37 the requirements of this section, it may impose any sanction that is appropriate in the
38 circumstances.

39 **Sec. 4. 18-C MRSA §1-602**, as amended by PL 2021, c. 250, §1, is further amended
40 to read:

41 **§1-602. Filing and certification fees**

1 The Except as provided in subsection 15, the person making the request shall pay the
2 register the following fees for filing or certifying documents.

3 **1. Certification.** For making and certifying to the register of deeds copies of devises
4 of real estate, abstracts of petitions for appointment of a personal representative or for an
5 elective share and any other document for which certification is required, the fee is ~~\$20~~ \$35
6 plus the fee for recording as provided by Title 33, section 751, except as otherwise
7 expressly provided by law. The fee must be paid by the personal representative, petitioner
8 or other person filing the document to be certified when the copy of the devise, abstract,
9 petition for elective share or other document for which certification is required is requested.
10 The register of probate shall deliver the certified document to the register of deeds together
11 with the fee for recording as provided by Title 33, section 751.

12 **2. Filing.** For receiving and entering each petition or application for all estates, testate
13 and intestate, including foreign estates, and the filing of a notice by a domiciliary foreign
14 personal representative, except for the filing of a successor personal representative, when
15 the value of the estate is:

16 A. \$10,000 and under, the fee is ~~\$40~~ \$50;

17 B. \$10,001 to \$20,000, the fee is ~~\$60~~ \$70;

18 C. \$20,001 to \$30,000, the fee is ~~\$75~~ \$90;

19 D. \$30,001 to \$40,000, the fee is ~~\$95~~ \$110;

20 E. \$40,001 to \$50,000, the fee is ~~\$125~~ \$145;

21 F. \$50,001 to \$75,000, the fee is ~~\$190~~ \$220;

22 G. \$75,001 to \$100,000, the fee is ~~\$250~~ \$290;

23 H. \$100,001 to \$150,000, the fee is ~~\$325~~ \$375;

24 I. \$150,001 to \$200,000, the fee is ~~\$375~~ \$435;

25 J. \$200,001 to \$250,000, the fee is ~~\$450~~ \$530;

26 K. \$250,001 to \$300,000, the fee is ~~\$500~~ \$580;

27 L. \$300,001 to \$400,000, the fee is ~~\$575~~ \$670;

28 M. \$400,001 to \$500,000, the fee is ~~\$625~~ \$725;

29 N. \$500,001 to \$750,000, the fee is ~~\$700~~ \$810;

30 O. \$750,001 to \$1,000,000, the fee is ~~\$750~~ \$870;

31 P. \$1,000,001 to \$1,500,000, the fee is ~~\$875~~ \$1,015;

32 Q. \$1,500,001 to \$2,000,000, the fee is ~~\$950~~ \$1,100; or

33 R. More than \$2,000,000, the fee is ~~\$1,200~~ \$1,400, and continuing in steps of ~~\$250~~
34 \$300 for every increase in value of \$500,000 or part thereof above \$2,500,000.

35 For filing a will for no probate, the fee is ~~\$15~~ \$20.

36 For filing a will to be probated and without an appointment, the fee is ~~\$20~~ \$25.

37 **3. Copies of court records.** For making copies from the records of the court, the fee
38 is \$1 for each page.

1 **4. Certificate of appointment.** For each certificate, under seal of the court, of the
2 appointment and qualification of a personal representative, guardian, conservator or trustee,
3 the fee is ~~\$10~~ \$15, and for each double certificate, the fee is ~~\$20~~ \$25.

4 **5. Petition for appointment as guardian.** For filing a petition for appointment as
5 guardian, the fee is ~~\$90~~ \$105.

6 **6. Application for involuntary hospitalization.** For filing an application for
7 involuntary hospitalization, the fee is ~~\$40~~ \$15.

8 **7. Petition for guardian and conservator.** For filing a joined petition for guardian
9 and conservator, the fee is ~~\$115~~ \$135.

10 **8. Petition for appointment of conservator.** For filing a petition for appointment of
11 conservator, the fee is ~~\$90~~ \$105.

12 **9. Petition for elective share.** For filing a petition for elective share, the fee is ~~\$120~~
13 \$150.

14 **10. Subsequent informal appointments.** For all other subsequent informal
15 appointments, the fee is ~~\$50~~ \$60.

16 **11. Other formal proceeding.** For filing any other formal proceeding, the fee is ~~\$50~~
17 \$60.

18 **12. Registration of guardianship order from another state or acceptance of**
19 **transfer.** For registering a guardianship order from another state or acceptance of transfer,
20 the fee is ~~\$50~~ \$65.

21 **13. Petition to resolve a disputed claim and for allowance.** For filing a petition to
22 resolve disputed claim and for allowance, the fee is \$150.

23 **14. Petition for order of complete settlement of estate.** For filing a petition for an
24 order of complete settlement of estate, the fee is \$150.

25 **15. Discretionary fee; motion.** For filing a motion, the court may charge a fee of not
26 more than \$25.

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

29 **1. Surcharge.** In addition to any other fees required by law, a register shall collect a
30 surcharge of ~~\$40~~ \$15 per petition, application or complaint, except for name changes, filed
31 in the court.

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

34 **4. Filing fee.** The fee for filing a name change petition is ~~\$75~~ \$90.

35 **Sec. 7. 18-C MRSA §3-706, sub-§2,** as enacted by PL 2017, c. 402, Pt. A, §2 and
36 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

37 **2. Inventory furnished on request.** If the personal representative filed the inventory
38 with the court pursuant to subsection 1, the personal representative shall furnish the
39 inventory to interested persons who request it. If the personal representative mailed the
40 inventory to all interested persons who requested it pursuant to subsection 1, the personal
41 representative ~~may~~ shall also file the inventory with the court.

1 petitioner or to a parent's surrender and release of the parent's parental rights in favor of a
2 licensed child-placing agency or the Department of Health and Human Services.