

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND FIRST LEGISLATURE

---

---

Legislative Document

No. 1094

---

---

S. P. 391

In Senate, February 6, 1963

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Farris of Kennebec.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

---

**AN ACT Relating to Practice Before Probate Courts.**

---

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

**Sec. 1. R. S., c. 112, § 2, amended.** The last paragraph of section 2 of chapter 112 of the Revised Statutes is amended to read as follows:

'Clerks of judicial courts, judges and registers of the probate courts, **associate judges and** recorders of the municipal courts, and trial justices of the State shall not sell or deliver any blank writs or precepts bearing the seal of said courts and the signature of said judges, **associate judges**, recorders, registers and trial justices to any person except one who has been admitted as an attorney and counselor at law and solicitor and counselor in chancery in accordance with the laws of this State ~~and said~~. **Said** judges and registers of said probate court shall not receive any paper, petition or other instrument pertaining to the practice of law before said probate courts unless it bears the indorsement of an attorney or counselor at law duly authorized to practice before said courts ~~except that the above provisions shall not apply to a party in interest in the subject matter in said courts.~~

**Sec. 2. R. S., c. 153, § 20, amended.** Section 20 of chapter 153 of the Revised Statutes is amended to read as follows:

'**Sec. 20. Judges not counsel in cases incompatible; nor draft documents which they are required to pass upon.** No judge of probate shall have a voice in judging and determining nor be attorney or counselor in or out of court in any civil action or matter which depends on or relates to any sentence or decree made by him in his office, nor in any civil action for or against any executor, administrator, guardian or trustee under any last will and testament, as such, within his county;

~~and any.~~ Any process or proceeding commenced by him in the probate court for his county in violation of this section is void, and he is liable to the party injured in damages; ~~nor shall any.~~ No judge of probate, register or clerk shall draft or aid in drafting any document or paper which he is by law required to pass upon.'