

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 427

S. P. 172

In Senate, January 30, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Fortier of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Probate Fees.

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

Sec. 1. R. S., T. 18, § 2, amended. The first sentence of section 2 of Title 18 of the Revised Statutes is amended to read as follows:

A will may be deposited for safekeeping in the registry of probate in the county where the testator lives, and the register, on being paid ~~\$+~~ \$5, shall receive and keep it and give a certificate of the deposit thereof.

Sec. 2. R. S., T. 18, § 255, amended. The 2nd sentence of section 255 of Title 18 of the Revised Statutes is amended to read as follows:

Beneficiaries shall, upon application, be furnished with a copy of so much of the will as relates to them, upon payment of a fee of ~~50¢~~ \$1, provided the copy does not exceed 10 lines of legal cap paper of not less than 10 words in each line, and ~~5¢~~ 10¢ for each additional line of 10 words.

Sec. 3. R. S., T. 18, § 552, sub-§§ 2 and 4, amended. Subsections 2 and 4 of section 552 of Title 18 of the Revised Statutes, as amended, are further amended to read as follows:

2. **Petition to probate.** Receiving and entering each petition to probate a will, including foreign wills, and each petition for the administration of an estate, when the value of the estate is under \$1,000, \$2; \$1,000 to \$10,000, \$5; ~~\$10,001 to \$25,000, \$10; \$25,001 to \$50,000, \$15; \$50,001 to \$100,000, \$20; over \$100,000, \$25~~ \$10,001 to \$20,000, \$10; \$20,001 to \$30,000, \$20; \$30,001 to \$40,000, \$30; \$40,001 to \$50,000, \$40; over \$50,000, \$50 plus \$10 for each additional \$10,000 of value, but in no event shall the fee exceed \$150;

4. Certificate of appointment. Each certificate, under seal of the court, of the appointment and qualification of an administrator, executor, guardian or trustee, ~~\$3~~ and for each double certificate, ~~\$2~~ \$5;

Sec. 4. R. S., T. 18, § 552, sub-§§ 5, 6 and 7, additional. Section 552 of Title 18 of the Revised Statutes, as amended, is further amended by adding 3 new subsections, 5, 6 and 7, to read as follows:

5. Guardians. Filing petition for guardian, \$5;

6. Involuntary hospitalization. Filing application for involuntary hospitalization, \$5;

7. Other documents. For the filing of every other official form, for which a fee is not provided, in an estate after the filing of the petition for probate or administration and the documents accompanying said petition, \$2.

Sec. 5. R. S., T. 18, § 852, amended. The last sentence of the next to the last paragraph of section 852 of Title 18 of the Revised Statutes is amended to read as follows:

The fees for making and recording said copy shall be ~~the same as for making and recording abstracts of will~~ \$5.

Sec. 6. R. S., T. 19, § 531, amended. Section 531 of Title 19 of the Revised Statutes, as repealed and replaced by chapter 539 of the public laws of 1969 and as amended, is further amended by adding after the first sentence a new sentence to read as follows:

The fee for filing such petition shall be \$5.

Sec. 7. R. S., T. 19, § 584, amended. Section 584 of Title 19 of the Revised Statutes is amended by adding at the end the following new sentence:

The fee for filing such petition shall be \$5.

Sec. 8. R. S., T. 19, § 781, amended. Section 781 of Title 19 of the Revised Statutes is amended by adding at the end the following new sentence:

The fee for filing such petition shall be \$5.

STATEMENT OF FACT

The increases in the above Probate fees will generate additional necessary revenue for operation of the various Registries of Probate. A study by the Legislative Research Committee showed that the various Registries of Probate were generating very little revenue in proportion to their expenditures. Many of the fees have not been increased or adjusted in a number of years to reflect any increases in cost of operation of the Registries and it is to be noted that many of the fees are new fees, there being no fees presently determined for the filing of such matters as petitions for adoption, guardianship, change of name and other matters. The increase in fees will help the various Registries to operate more efficiently and give counties some financial relief.