

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 1373**

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H. P. 1045

House of Representatives, March 7, 1973

On motion of Mr. Bragdon of Perham, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Bragdon of Perham.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### **AN ACT to Create a Commission to Prepare a Revision of the Probate Laws and the Administration Thereof.**

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

**Sec. 1. Commission; duties.** A special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of a proposed Probate Code for the State of Maine, such proposed code to be presented to the special session of the 106th Legislature or the regular session of the 107th Legislature. Such proposed Probate Code shall include and consist of a revision, redraft and rearrangement of appropriate sections of the Revised Statutes pertaining to the Probate Law and administration thereof, including the desirability of a full-time probate or family court system. Such proposed Probate Code may, without limitation, incorporate such necessary repealers, amendments and modifications of existing laws as, in the judgment of such commission, are necessary and appropriate to accomplish such purposes. Such proposed code may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State, and the commission shall give due consideration to the probate laws of other states, the Uniform Probate Code and the requirements for enforcement thereof. Such commission shall employ such counsel as may be required, to perform the necessary research and drafting of such code, such counsel, if any, to meet the requirements as set forth. Such commission shall hold such public hearings as may be deemed necessary to acquaint the public. It is the purpose and intent hereof to provide such commission with sufficient authority and funds to enable it to present to the Maine Legislature a fully modern, integrated and consistent Probate Code.

**Sec. 2. Membership.** The membership of the commission shall consist of 15 persons. The Governor shall appoint 2 members of the bar from a list

furnished by the President of the Maine Bar Association, 3 judges of probate, a representative of the Corporate Fiduciary Association from a list furnished by the Corporate Fiduciary Association of the State of Maine, one chartered life underwriter, 2 members of the Senate, appointed by the President of the Senate, 3 members of the House, appointed by the Speaker of the House, one representative of labor and 2 members appointed by the Governor.

**Sec. 3. Meetings.** The said commission shall be appointed promptly upon enactment hereof and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer and adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor and shall report periodically its progress to the Governor.

**Sec. 4. Counsel.** The commission shall contract such counsel as is deemed necessary who need not be a resident of this State, who shall have the responsibility for legal research and drafting required in connection with the preparation of the proposed Probate Code, under the direction and supervision of the commission. No person shall be employed as counsel who shall not, by virtue of prior training, experience, ability and reputation have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission.

**Sec. 5. Reimbursement of expenses.** The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

**Sec. 6. Appropriation.** There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$20,000 for the fiscal year ending June 30, 1974 to carry out the purposes of this Act. Any unexpended balance shall not lapse but shall remain a continuing carrying account until June 30, 1975.

#### STATEMENT OF FACT

The purpose of this bill is reflected in the title.