

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE
FIRST SPECIAL SESSION

CONFERENCE COMMITTEE AMENDMENT "A" to S.P. 709, L.D. 2236,
Bill, "AN ACT Relating to Costs in Contested Cases and
Depositions in Probate Court."

Amend said Bill by striking out all of the first paragraph
of that part designated "§551." and inserting in place thereof
the following:

'In all contested cases in the original or appellate court
of probate, costs may be allowed to either party, including
reasonable witness fees, cost of depositions, hospital records
or medical reports and attorney's fees, to be paid to either or
both parties, out of the estate in controversy, as justice
requires, provided that in those cases where a will is being contested
on the grounds of undue influence or mental capacity, counsel
fees and costs shall not be allowed if the party contesting the
will is unsuccessful.'

Statement of Fact

The purpose of this amendment is to provide a deterrent to
the growing number of contested cases by disallowing counsel
fees and costs in the event of failure.

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April 6, 1976.

(Filing No. S-534).