

MAINE STATE LEGISLATURE

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(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1928

S. P. 752

In Senate, February 11, 1980

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Conley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT Increasing the Fees for Probate Proceedings.

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

Sec. 1. 18-A MRSA § 1-602, as enacted by PL 1979, c. 540, § 1, is amended to read:

§ 1-602. Filing and certification fees

The register of probate shall receive the following fees for filing or certifying documents:

(1) For making and certifying to the register of deeds copies of devises of real estate, abstracts of petitions for appointment of a personal representative or for an elective share, and any other document for which such certification is required, ~~\$4~~ **\$10**, except as otherwise expressly provided by statute. The fee shall be paid by the personal representative, petitioner or other person filing the document to be certified when the copy of the devise or abstracts are made. Of this fee, ~~\$1-50~~ **\$3** shall be paid by the register of probate to the register of deeds when the certified copy is furnished to him, **unless transfer of funds between the registries of probate and deeds, in the same amount per instrument, is made in accordance with authorization of the county commissioners.**

(2) For receiving and entering each petition to probate a will, including foreign wills, and each petition for the administration of an estate in intestacy **and**

for filing of a will without probate, when the value of the estate is under \$10,000, ~~\$5 \$10~~; \$10,000 to \$20,000, ~~\$10 \$20~~; \$20,001 to \$30,000, ~~\$20 \$40~~; \$30,001 to \$40,000, ~~\$30 \$60~~; \$40,001 to \$50,000, ~~\$40 \$75~~; ~~over \$50,000, \$50~~ \$50,001 to \$250,000, **\$1.50 per thousand-dollar value of estate**; over \$250,000, **\$1 per thousand-dollar value of estate**. This fee, however, shall be paid only once for the estate of any particular decedent.

(3) For making copies from the records of the court, \$1 for the first page plus 50¢ for each additional page; except the charge for furnishing to the personal representative one copy of each will probated shall be \$1.

(4) For each certificate, under seal of the court, of the appointment and qualification of a personal representative, guardian, conservator or trustee, ~~\$3 \$6~~, and for each double certificate, ~~\$5 \$10~~.

(5) For filing a petition for appointment as guardian or conservator, or for other protective proceedings, ~~\$5 \$10~~.

(6) For filing application for involuntary hospitalization, ~~\$5 \$10~~.

Sec. 2. Effective date. This Act shall take effect on January 2, 1981.

STATEMENT OF FACT

The purpose of this bill is to revise the probate fee schedule to reflect increased costs of services provided by registries of probate. The schedule has not been changed since 1973 and expenditures of probate registries in all counties exceed revenues, usually by more than 200%. County budgets are under severe pressure to avoid tax increases. This change would help redress one deficit by relying in larger part on user fees to defray the cost of services provided by county government.