

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 475

H. P. 428

House of Representatives, January 28, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Vassalboro.

Cosponsors: Representative Richard of Madison, Representative Benoit of South Portland and Representative Hayden of Durham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Improve the Administration of Decedent's Estates.

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

18-A. MRSA § 1-110 is enacted to read:

§ 1-110. Assistance in informal or simple proceedings

Subject to the limitations of sections 1-510 and 3-721, any person may assist any other person, for compensation or otherwise, in the preparation and filing of applications in informal probate, in the preparation and distribution of inventories, accounts and similar documents, in the preparation and filing of forms to close an estate which has not been contested prior to closing, in the preparation and filing of applications for change of name and petitions for guardians of minors, and the giving of such assistance shall not be considered practicing law.

STATEMENT OF FACT

Under the Probate Code, administration of uncontested estates has been simplified. Filing forms in informal probate is now similar to filing tax returns. It should not be necessary to retain an attorney to handle uncontested matters. This bill would allow any person to assist any other person in routine probate matters.

It is expected that accountants, bank trust officers and possibly routine probate specialists may take advantage of this new freedom and that fees for assistance with probate matters will be substantially reduced.