

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 476

H. P. 429

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 Allow Registers of Probate to Aid Persons Using Probate Code.

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

18-A MRSA § 1-510, last sentence, as enacted by PL 1979, c. 540, § 1, is repealed and the following enacted in its place:

No register nor any employee of the Probate Court may charge fees or accept anything of value for assisting in the drafting of any document to be used or filed in the court of which he is the register of an employee. With the exception of applications in informal proceedings, petitions or sworn statements relating to the closing of decedents estates which have not been contested prior to closing, applications for change of name and petitions for guardians or minors, no register may draft or aid in drafting any documents or paper, which he is by law required to record in full or in part, under a penalty of not more than \$100, to be recovered by any complainant in a civil action for his benefit or by indictment for the benefit of the county.

STATEMENT OF FACT

Under the new Probate Code, informal probate should be within the reach of many people without need of a lawyer. Although a person may only apply to the

Probate Court one time to settle an estate informally, he is still charged a fee equivalent to that imposed on a contested estate of equal size. This bill would authorize but not require the register and other court employees to assist individuals in preparing routine papers to be used in uncontested probate cases. This would be a reasonable onetime service in return for the required filing fee.