

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 172

6
7 S.P. 76

In Senate, January 24, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Chalmers of Knox.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Prohibit Probate Judges from the
18 Active Practice of Law.
19

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

22 4 MRSA §301, as amended by PL 1981, c. 40, §1, is
23 further amended to read:

24 §301. Terms; salary

25 Judges of probate are elected or appointed as
26 provided in the Constitution. Only attorneys at law
27 admitted to the general practice of law in this State
28 and resident therein may be elected or appointed as
29 judges of probate. Their election is effected and de-
30 termined as is provided respecting county commission-
31 ers; and they enter upon the discharge of their du-
32 ties on the first day of January following; but, when
33 appointed to fill vacancies, their terms commence on
34 their appointment.

1 Judges of probate in the several counties shall
2 receive annual salaries as set forth in Title 30,
3 section 2.

4 The fees to which judges of probate are entitled
5 by law shall be taxed and collected and paid over by
6 the registers of probate to the county treasurers by
7 the 15th day of every month following the month in
8 which they were collected for the use of their coun-
9 ties with the exception of the fees provided in sec-
10 tion 304, which shall be retained by the judge who
11 collects the same in addition to his salary.

12 A judge of probate shall devote full time to his
13 duties and shall not engage in the private practice
14 of law during his term of office nor shall he during
15 his term be a partner or associate of any person in
16 the practice of law.

17 STATEMENT OF FACT

18 This bill prohibits judges of probate from engag-
19 ing in the active practice of law.

20 0568011285