

# MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1504, L.D. 2119)  
2 (New Title)  
3 SECOND REGULAR SESSION  
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

7 Legislative Document

No. 2402

8  
9 H.P. 1704 House of Representatives, April 14, 1986  
10 Reported by the Majority from the Committee on Judiciary and printed  
11 under Joint Rule 2. Original bill submitted by the Commission to Study  
12 Family Matters in Court pursuant to Private and Special Law 1985,  
chapter 65.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

19 AN ACT to Consolidate Family Cases in a  
20 Family Court within the District Court  
21 and to Establish Full-time, Appointed  
22 Probate Judges.  
23

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

26 Sec. 1. 4 MRSA §152, sub-§4, as repealed and re-  
27 placed by PL 1983, c. 796, sub-§1, is repealed and  
28 the following enacted in its place:

29 4. Exclusive jurisdiction. Original jurisdic-  
30 tion, not concurrent with that of the Superior Court  
31 or Probate Court, of:

32 A. Actions for divorce or annulment or marriage  
33 under Title 19, chapter 13;

34 B. Actions for judicial separation under Title  
35 19, chapter 11;

- 1        C. Actions for parenting and support when par-  
2        ents live apart under Title 19, section 214;
- 3        D. Actions to determine paternity under Title  
4        19, chapter 5, subchapter III, except when a jury  
5        trial is requested under Title 19, section 276;
- 6        E. Actions for support of a spouse or child un-  
7        der Title 19, chapter 7, subchapter I;
- 8        F. Actions under the Uniform Reciprocal Enforce-  
9        ment of Support Act, Title 19, chapter 7, sub-  
10       chapter II;
- 11       G. Actions under the Uniform Civil Liability for  
12       Support Act, Title 19, chapter 7, subchapter III;
- 13       H. Actions under the Uniform Child Custody Ju-  
14       risdiction Act, Title 19, chapter 16, except as  
15       that act applies to child custody determinations  
16       made by the Probate Court;
- 17       I. Actions to waive marriage intentions under  
18       Title 19, section 61, except as emergency juris-  
19       isdiction in other courts is authorized under Title  
20       19, section 61;
- 21       J. Actions for consent to the marriage of a mi-  
22       nor under Title 19, section 62;
- 23       K. Actions concerning a caution to marriage un-  
24       der Title 19, section 92;
- 25       L. Actions for change of name under Title 19,  
26       section 781;
- 27       M. Actions to protect children under Title 22,  
28       chapter 1071, subchapter IV, except as limited  
29       emergency jurisdiction is given to the Superior  
30       Court under Title 22, section 4031, subsection 2,  
31       paragraph C;
- 32       N. Actions to terminate parental rights under  
33       Title 22, chapter 1071, subchapter VI, except as  
34       provided for in Title 19, section 533-A;
- 35       O. Actions for a medical treatment order under  
36       Title 22, chapter 1071, subchapter VIII;

1       P. Actions for emancipation of a juvenile under  
2       Title 15, section 3506-A;

3       Q. Proceedings involving juvenile crimes under  
4       Title 15, chapter 501;

5       R. Actions to return delinquent juveniles under  
6       Title 34-A, chapter 9, subchapter I;

7       S. Actions for involuntary hospitalization of  
8       mentally ill persons under Title 34-B, chapter 3,  
9       subchapter IV, article III, except as emergency  
10       jurisdiction in other courts is authorized under  
11       Title 34-B, section 3863, subsection 3;

12       T. Actions for involuntary admissions of mental-  
13       ly retarded persons under Title 34-B, chapter 5,  
14       subchapter III, article III;

15       U. Actions for sterilizations under Title 34-B,  
16       chapter 7;

17       V. Actions to enforce truancy laws under Title  
18       20-A, section 5053;

19       W. Actions to enforce foreign judgments when the  
20       foreign judgment pertains to the subject matter  
21       of the actions described in paragraphs A to V;  
22       and

23       X. Small claims actions under Title 14, chapter  
24       738.

25       Sec. 2. 4 MRSA §152, sub-§5, ¶A, as repealed and  
26       replaced by PL 1983, c. 796, §1, is repealed.

27       Sec. 3. 4 MRSA §152-A is enacted to read;

28       §152-A. Family cases in the District Court

29       1. Family cases. For the purposes of this sec-  
30       tion, "family cases" means those listed in section  
31       152, subsection 4, paragraphs A to W.

32       2. Family Court. When exercising the jurisdic-  
33       tion conferred by section 152.subsection 4, para-  
34       graphs A to W the District Court shall be referred to  
35       as the "Family Court."

1           3. Assignment of District Court and Probate  
2 Court judges to family cases. In assigning District  
3 Court judges under section 164 and otherwise, the  
4 Chief Judge of the District Court shall seek to as-  
5 sign judges to hear family cases who have an interest  
6 or demonstrated ability in handling family cases. In  
7 assigning Probate Court judges appointed under sec-  
8 tion 301-A to hear nonprobate cases, the Chief Judge  
9 shall give priority to assigning those judges to hear  
10 family cases.

11           4. Family cases data system. The District court  
12 shall develop a data system permitting the cataloging  
13 and retrieving of all family cases within the Dis-  
14 trict Court by names of individual family members in-  
15 volved.

16           5. Facilities. In addition to the facilities of  
17 the District Court, the facilities of the Superior  
18 Court, Probate Court and Administrative Court shall  
19 be available for the hearing of family cases. As-  
20 sistants of the State Court Administrator assigned to  
21 the District Court shall work with the clerks of all  
22 courts and the registers of probate to assist with  
23 the scheduling of the use of facilities for the hear-  
24 ing of family cases. The District Court shall seek  
25 to use facilities providing the most privacy possible  
26 for the hearing of family cases. In seeking to use  
27 Probate Court facilities for the hearing of family  
28 cases, the Chief Judge of the District Court shall  
29 negotiate with the counties under section 162.

30           6. Continuing education. All judges assigned to  
31 hear family cases, any other interested judges and  
32 all members of the advisory committee established un-  
33 der subsection 7 shall meet annually at a conference  
34 sponsored by the Judicial Department to discuss and  
35 receive continuing education in family matters and  
36 services available to familys. Other court person-  
37 nel, family practice attorneys, social service  
38 providers, mediators and others involved with family  
39 cases may be included in the conference.

40           7. Advisory Committee on Family Cases. The  
41 Chief Justice of the Supreme Judicial Court shall ap-  
42 point the Advisory Committee on Family Cases to ad-  
43 vice the Chief Judge of the District Court. The

1 Chief Justice shall appoint not less than 10 nor more  
2 than 15 members to the committee. Committee member-  
3 ship shall include family practice attorneys, media-  
4 tors, court personnel, social service providers and  
5 other involved with family cases. Committee members  
6 shall serve at the pleasure of the Chief Justice or  
7 for whatever terms the Chief Justice sets. Committee  
8 members shall not receive any compensation for their  
9 committee work.

10 The advisory committee shall meet at the call of the  
11 Chief Judge of the District Court. The committee  
12 shall advise the Chief Judge on the overall function-  
13 ing of the Family Court with regard to family cases  
14 including the usage of mediation, guardians ad litem,  
15 court-appointed special advocates and other nonjudi-  
16 cial services.

17 Sec. 4. 4 MRSa §152-B is enacted to read:

18 §152-B District Court administration of Probate  
19 Court and use of Probate Court facilities

20 The District Court shall have administrative re-  
21 responsibility for Probate Court judges appointed under  
22 section 301-A. These responsibilities include, but  
23 are not limited to, supervision of the caseload of  
24 Probate Court judges, assignment of Probate Court  
25 judges to hear nonprobate cases within the District  
26 Court and other administrative responsibilities of  
27 the type carried out for District Court judges under  
28 this chapter.

29 The county commissioners in each county shall  
30 continue to provide for the use of the Probate Court  
31 such quarters, facilities, furnishings and equipment  
32 in existing county buildings as were in use on Janu-  
33 ary 1, 1987, without charge.

34 The Chief Judge of the District Court, with the  
35 advice and approval of the Bureau of Public Improve-  
36 ments, is empowered to negotiate on behalf of the  
37 State, the leases, contracts and other arrangements  
38 he considers necessary, within the limits of the bud-  
39 get and the funds available under section 163, sub-  
40 section 3, for the use of Probate Court facilities by  
41 the District Court.

1           Sec. 5. 4 MRSA §157-E is enacted to read:

2     §157-E. Judge or Active Retired Judge of the Probate  
3     Court to sit in the District Court

4           A Judge or Active Retired Judge of the Probate  
5     Court who has been appointed under section 301-A may  
6     be assigned by the Chief Judge of the District Court  
7     to sit in the District Court. When so directed, the  
8     judge shall have the authority and jurisdiction  
9     therein as if the judge were a regular judge of the  
10    District Court. Whenever the Chief Judge of the Dis-  
11    trict Court so directs, the judge may hear all mat-  
12    ters and issue all orders, notices, decrees and judg-  
13    ments that any Judge of the District Court may hear  
14    and issue.

15          Sec. 6. 4 MRSA §164, first ¶, as amended by Pl  
16     1975, c. 408, §14, is further amended to read;

17          The Chief Judge shall be responsible to and under  
18     the supervision of the Chief Justice of the Supreme  
19     Judicial Court for the operation of the District  
20     Court and the Probate Court as established under sec-  
21     tion 301-A and shall serve as Chief Judge at the  
22     pleasure of the Chief Justice. To this end the Chief  
23     Judge shall:

24          Sec. 7. 4 MRSA §164, sub-§5-A is enacted to  
25     read:

26          5-A. Assign Probate Court judges. Assign Pro-  
27     bate Court judges appointed under section 301-A to  
28     hear probate cases and other cases as directed under  
29     section 152-A, subsection 3;

30          Sec. 8. 4 MRSA §164, sub-§16, as reallocated by  
31     PL 1977, c. 696, §23, is amended to read:

32          16. Development and implementation of adminis-  
33     trative concepts. The Chief Judge shall ~~carry~~ Carry  
34     on a continuous survey and study of the organization,  
35     operation, condition of business, practice and procedure  
36     of the District Court and the Probate Court as  
37     established under section 301-A and make recommenda-  
38     tions to the Chief Justice of the Supreme Judicial  
39     Court concerning the number of judges and other per-

1 sonnel required for the efficient administration of  
2 justice and examine, with the advice of the judges of  
3 the District Court and the Probate Court as estab-  
4 lished under section 301-A, the status of dockets of  
5 the various District Courts and the Probate Courts as  
6 established under section 301-A, so as to determine  
7 whether the business of the court is being carried  
8 out in an efficient manner. From such examination,  
9 the Chief Judge shall annually make recommendations  
10 to the Chief Justice of the Supreme Judicial Court  
11 for guidelines and policies for the scheduling and  
12 trial of matters before the District Court and the  
13 Probate Court as established under section 301-A. In  
14 providing such recommendations, the Chief Judge shall  
15 give due and appropriate regard to the recommenda-  
16 tions of the judges and other personnel of the Dis-  
17 trict Court and the Probate Court as established un-  
18 der section 301-A and shall provide a mechanism  
19 whereby their individual recommendations and comments  
20 may be brought to the attention of the Chief Justice.  
21 The Chief Judge, in advising as to the appropriate-  
22 ness of the methods or the systems for scheduling  
23 trials and the management of matters before the Dis-  
24 trict Court and the Probate Court as established un-  
25 der section 301-A, shall take into consideration sys-  
26 tems and methods operational in the Superior Court.  
27 The final decision as to the management of personnel  
28 and the implementation of guidelines, policies and  
29 procedures for the scheduling of trials and manage-  
30 ment of matters before the District Court and the  
31 Probate Court as established under section 301-A,  
32 shall be made by the Chief Justice only after consul-  
33 tation with the Chief Judge.

34 Sec. 9. 4 MRSA §173, sub-§4, as amended by PL  
35 1983, c. 742, is further amended to read:

36 4. Distribution of fees and fines. All law en-  
37 forcement officers appearing for a scheduled trial in  
38 District Court at times other than their regular  
39 working hours, at the order of a prosecuting official  
40 and whether or not they are called upon to give tes-  
41 timony, shall be compensated out of the General Fund  
42 on an hourly basis equal to that established by the  
43 State for their range and step level.



1 The court shall pay any municipality a flat fee of  
2 \$20 for each day or part thereof that a municipal law  
3 enforcement officer, designated by the municipality  
4 as its court officer, is required to be physically  
5 present in a District Court in order to adequately  
6 handle such municipality's caseload. In addition, the  
7 court shall pay any municipality a flat fee of \$20  
8 per day for every day or part thereof, but no more  
9 than \$20 for any one day, such municipality loses the  
10 services of one or more law enforcement officers be-  
11 cause such officer or officers are performing some  
12 act authorized or required by a District Court Rule  
13 of Criminal Procedure or is a witness in a criminal  
14 or traffic infraction case within the jurisdiction of  
15 the District Court. A municipality shall be deemed to  
16 have lost the services of a law enforcement officer  
17 when such officer, who normally performs duties of  
18 patrolling or maintaining order, is physically unable  
19 to perform those duties of patrolling and maintaining  
20 order for such municipality.

21 The sheriffs of the several counties shall designate  
22 and furnish deputy sheriffs to serve as bailiffs in  
23 each division of the District Court and in each re-  
24 gion of the Probate Court as established under sec-  
25 tion 301-A within their counties, if so requested by  
26 the Chief Judge. Compensation for such service shall  
27 be paid by the District Court.

28 ~~Compensation for such service shall be paid by the~~  
29 ~~District Court.~~

30 In those municipalities where a police officer has  
31 been furnished heretofore to serve as a bailiff, the  
32 Chief Judge may continue to authorize the use of a  
33 police officer as a bailiff and the municipality  
34 shall be compensated therefor by the District Court.  
35 A person now appointed to serve as bailiff may not  
36 serve as court officer for a municipal police depart-  
37 ment, as provided in this subsection.

38 Sec. 10. 4 MRSA §251 is amended to read;

39 § 251. General jurisdiction

40 Each judge may take the probate of wills and  
41 grant letters testamentary or of administration on

1 the estates of all deceased persons who, at the time  
2 of their death, where were inhabitants or residents  
3 of ~~his~~ this county or who, not being residents of the  
4 State, died leaving estate to be administered in ~~his~~  
5 this county, or whose estate is afterwards found  
6 therein; and has jurisdiction of all matters relating  
7 to the settlement of such estates. He may grant leave  
8 to adopt children; and change the names of ~~persons~~  
9 these children, appoint guardians for minors and oth-  
10 ers according to law, and has jurisdiction as to per-  
11 sons under guardianship, and as to whatever else is  
12 conferred on him by law.

13 Sec. 11. 4 MRSA §301, as amended by PL 1981, c.  
14 40, §1, is further amended to read:

15 § 301. Terms; salary

16 Judges of probate are elected or appointed as  
17 provided in the Constitution. Only attorneys at law  
18 admitted to the general practice of law in this State  
19 and resident therein may be elected or appointed as  
20 judges of probate. ~~Their election is effected and de-~~  
21 ~~termined as is provided respecting county commission-~~  
22 ~~ers; and they enter upon the discharge of their du-~~  
23 ~~ties on the first day of January following; but, when~~  
24 ~~appointed to fill vacancies, their terms commence on~~  
25 ~~their appointment.~~

26 Judges of probate in the several counties shall  
27 receive annual salaries as set forth in section 301-A  
28 or Title 30, section 2.

29 The fees to which judges of probate and registers  
30 of probate are entitled by law shall be taxed and  
31 collected and paid over by the registers of probate  
32 to the county treasurers by the 15th day of every  
33 month following the month in which they were col-  
34 lected for the use of their counties with the excep-  
35 tion of the fees provided in section 304, which shall  
36 be retained by the judge who collects the same in ad-  
37 dition to his salary.

38 Except as otherwise provided in this paragraph,  
39 the fees to which registers of probate are entitled  
40 under Title 18-A, section 1-602, subsections (2) and  
41 (5) to (8) and Title 19, sections 61 and 531 shall be

1 taxed, collected and paid by the registers of probate  
2 to the Treasurer of State by the 15th day of every  
3 month following the month in which they were col-  
4 lected. Each register of probate shall retain from  
5 these fees and pay to the county treasurer an amount  
6 equal to the amount the register would have collected  
7 under the fees in effect on January 1, 1986, in Title  
8 18-A, section 1-602, subsections (2) and (5) to (8)  
9 and Title 19, sections 61 and 531. The Treasurer of  
10 State shall credit all revenue received under this  
11 section to the General Fund.

12 Sec. 12. 4 MRSA §301-A is enacted to read:

13 §301-A. Full-time, appointed Probate Court  
14 judges; regions; salaries

15 1. Full-time Probate judges. There is estab-  
16 lished a Probate Court system for the State with  
17 full-time, appointed Probate Court judges. The Pro-  
18 bate Court judges appointed under this section shall  
19 be members of the Judicial Department and subject to  
20 supervision under section 1 and sections 152-A,  
21 152-B, 157-E and 164. Each Probate Court judge ap-  
22 pointed under this section shall have a term of of-  
23 fice of 7 years.

24 This section effectuates the repeal of the Constitu-  
25 tion of Maine, Article VI, Section 6, as provided in  
26 Resolves 1967, chapter 77. Elected Judges of Probate  
27 whose terms expire on January 1, 1987, and January 1,  
28 1989, may complete these terms though Article VI,  
29 Section 6, is repealed when this section becomes ef-  
30 fective. A vacancy occurring in any of these of-  
31 fices, prior to the expiration of the officeholder's  
32 term, by death, resignation or otherwise, shall be  
33 filled by the Governor by appointment, and the person  
34 so appointed shall serve in the manner of an elected  
35 officeholder until the expiration of the term of the  
36 officeholder replaced.

37 2. Appointment. Probate Court judges shall be  
38 appointed as follows:

39 A. The Governor, subject to review by the joint  
40 standing committee of the Legislature having ju-  
41 risdiction over judiciary and to confirmation by

1 the Legislature, shall appoint to the Probate  
2 Court so that they may begin their terms on Janu-  
3 ary 1, 1987, 3 judges, one to serve each of the  
4 following regions from January 1, 1987, to Decem-  
5 ber 31, 1988:

6 (1) Region 1 consisting of Cumberland Coun-  
7 ty and York County;

8 (2) Region 2 consisting of Kennebec County  
9 and Androscoggin County; and

10 (3) Region 3 consisting of Franklin County,  
11 Penobscot County and Hancock County.

12 If the Legislature fails to confirm any appoint-  
13 ment under this paragraph prior to January 1,  
14 1987, the elected probate judge whose term ex-  
15 pires on January 1, 1987, shall continue to hold  
16 office, in any county for which no appointment  
17 has been confirmed, for 3 months or until the ap-  
18 pointment of a judge under this paragraph is com-  
19 pleted, whichever occurs first. An elected pro-  
20 bate judge continuing in office under this para-  
21 graph shall continue to receive compensation from  
22 the county he is serving as probate judge until  
23 an appointed Probate Court judge takes office for  
24 the county under this paragraph.

25 B. Beginning on January 1, 1989, and thereafter,  
26 the Probate Court judges appointed under para-  
27 graph A shall serve the following regions in the  
28 following manner.

29 (1) The judge appointed to serve Region 1  
30 in paragraph A, shall serve a region 1 con-  
31 sisting of Cumberland County and Sagadahoc  
32 County.

33 (2) The judge appointed to serve Region 2  
34 in paragraph A shall serve a region 3 con-  
35 sisting of Kennebec County, Androscoggin  
36 County and Lincoln County.

37 (3) The judge appointed to serve Region 3  
38 in paragraph A shall serve a region 5 con-  
39 sisting of Aroostook County and Penobscot  
40 County.

1           C. The Governor, subject to review by the joint  
2           standing committee of the Legislature having ju-  
3           isdiction over judiciary and to confirmation by  
4           the Legislature, shall appoint to the Probate  
5           Court after January 7, 1987, so that they may be-  
6           gin their terms on January 1, 1989, 3 judges, one  
7           to serve each of the following regions:

8                     (1) Region 2 consisting of York County and  
9                     Oxford County;

10                    (2) Region 4 consisting of Waldo County,  
11                    Knox County, Hancock County and Washington  
12                    County; and

13                    (3) Region 6 consisting of Franklin County,  
14                    Somerset County and Piscataquis County.

15           If the Legislature fails to confirm any appoint-  
16           ment under this paragraph prior to January 1,  
17           1989, the elected probate judge whose term ex-  
18           pires on January 1, 1989, shall continue to hold  
19           office, in any county for which no appointment  
20           has been confirmed, for 3 months or until the ap-  
21           pointment of a judge under this paragraph is com-  
22           pleted, whichever occurs first. An elected pro-  
23           bate judge continuing in office under this para-  
24           graph shall continue to receive compensation from  
25           the county he is serving as probate judge until  
26           an appointed Probate Court judge takes office for  
27           the county under this paragraph.

28           D. In appointing Probate Court judges under this  
29           subsection, the Governor shall appoint persons  
30           who are residents of the region they are ap-  
31           pointed to serve as those regions will be consti-  
32           tuted on January 1, 1989, under subsection 2.

33           2. Regions. On and after January 1, 1989, the  
34           State is divided into 6 probate regions with one Pro-  
35           bate Court judge serving each region as described in  
36           subsection 1:

37                    A. Region 1 consisting of Cumberland County and  
38                    Sagadahoc County;

39                    B. Region 2 consisting of York County and Oxford  
40                    County;

1 C. Region 3 consisting of Kennebec County,  
2 Androscoggin County and Lincoln County;

3 D. Region 4 consisting of Waldo County, Knox  
4 County, Hancock County and Washington County;

5 E. Region 5 consisting of Aroostook County and  
6 Penobscot County; and

7 F. Region 6 consisting of Franklin County,  
8 Somerset County and Piscataquis County.

9 3. Salaries. The Probate Court judges appointed  
10 under this section shall receive salaries equal to  
11 those and following the periods for District Court  
12 Judges established in section 157, subsection 4.

13 Sec. 13. 4 MRSA §301-B is enacted to read:

14 §301-B. Active retired judges

15 Any judge of the Probate Court appointed under  
16 section 301-A who retires or terminates his service  
17 on the court in accordance with chapter 27, except  
18 for a disability retirement, is eligible for appoint-  
19 ment as an Active Retired Judge of the Probate Court.  
20 The Governor, subject to review by the joint standing  
21 committee of the Legislature having jurisdiction over  
22 judiciary and to confirmation by the Legislature, may  
23 appoint any eligible judge as an Active Retired Judge  
24 of the Probate Court for a term of 7 years, unless  
25 sooner removed. That judge may be reappointed for a  
26 like term. Any judge so appointed and designated  
27 shall thereupon constitute a part of the court from  
28 which he has retired and shall have the same juris-  
29 isdiction and be subject to the same restrictions  
30 therein as before retirement, except that he shall  
31 act only in the cases and matters and hold court only  
32 at the terms and times as he may be directed and as-  
33 signed to by the Chief Judge of the District Court.  
34 Any Active Retired Judge of the Probate Court may be  
35 directed by the Chief Judge to hold any session of  
36 the Probate Court in any region and when so directed  
37 shall have authority and jurisdiction therein the  
38 same as if he were the regular judge of that court.  
39 Whenever the Chief Judge of the District Court so or-  
40 ders, that judge may hear all matters and issue all

1 orders, notices, decrees and judgments that any judge  
2 of that Probate Court is authorized to hear and is-  
3 ssue. An Active Retired Judge shall receive reim-  
4 bursement for his expenses actually and reasonably  
5 incurred in the performance of his duties. An Active  
6 Retired Judge of the Probate Court shall receive the  
7 same compensation as an Active Retired Judge of the  
8 District Court under section 157-D.

9           Sec. 14. 4 MRSA §302 is amended to read:

10 §302. Officers execute processes

11           Sheriffs, their deputies and constables shall ex-  
12 ecute all legal processes directed to them by any  
13 such judge of probate who may, when necessary, re-  
14 quire such officer, when not in attendance upon any  
15 other court, to attend during the sitting of the pro-  
16 bate court, for which he shall be paid as in other  
17 courts for similar services.

18           Sec. 15. 4 MRSA §304 is amended to read:

19 §304. Equity and contested cases; time and place of  
20 hearing

21           Judges Elected judges of probate may hold hear-  
22 ings for matters in equity and contested cases at  
23 such time and place in the county as the elected  
24 judge of probate may appoint and . Probate Court  
25 judges appointed under section 301-A may hold hear-  
26 ings in equity and contested cases at such time and  
27 place in the county as the Chief Judge of the Dis-  
28 trict Court may appoint. Judges of Probate may make  
29 all necessary orders and decrees relating thereto,  
30 and when hearings are held at other places than those  
31 fixed for holding the regular terms of court, the  
32 elected judge shall be allowed, in addition to his  
33 regular salary, \$5 per day and actual expenses which  
34 shall be paid by the State unless otherwise provided  
35 by law.

36           Sec. 16. 4 MRSA §305, as repealed and replaced  
37 by PL 1979, c. 41, is amended to read:

38 §305. Term of Fort Kent and Caribou probate court

1           The elected judge of probate in and for the County  
2           of Aroostook shall hold a court of probate at  
3           least twice in each year at Fort Kent and at least 4  
4           times each year at Caribou in the county. The time  
5           for holding the court shall be appointed by the judge  
6           and made known by public notification as provided in  
7           section 303.

8           Sec. 17. 4 MRSA §306, as amended by PL 1965, c.  
9           513, §5-A, is further amended to read:

10           §306. Interchange of judicial duties; expenses

11           During the sickness, absence from the State or  
12           inability of any elected judge of probate to hold the  
13           regular terms of his court, such terms, at his re-  
14           quest or that of the register of the county, may be  
15           held by the judge of any other county. The elected  
16           judges may interchange service or perform each oth-  
17           ers' duties when they find it necessary or conven-  
18           ient, and in case of a vacancy in the office of a an  
19           elected judge, all necessary terms of the probate  
20           court for the county may, at the request of the reg-  
21           ister, be held by the judge of another county until  
22           the vacancy is filled. The orders, decrees and deci-  
23           sions of the judge holding such terms have the same  
24           force and validity as if made by the judge of the  
25           county in which such terms are held.

26           When any elected judge of probate holds court or  
27           a hearing in any probate matter, or in equity, in any  
28           county other than the one in which he resides, such  
29           judge shall be reimbursed by the county in which such  
30           court or hearing is held for his expenses actually  
31           and reasonably incurred, upon presentation to the  
32           county commissioners of ~~said~~ the county of a detailed  
33           statement of such expenses.

34           Sec. 18. 4 MRSA §451, as repealed and replaced  
35           by PL 1985, c. 506, Pt. A, §1-A, is amended to read:

36           §451. Establishment

37           A Judicial Council, as established by Title 5,  
38           section 12004, subsection 10, shall make a continuous  
39           study of the organization, rules and methods of pro-  
40           cedure and practice of the judicial system of the



1 State, the work accomplished and the results produced  
2 by that system and its various parts. The council  
3 shall be composed of the Chief Justice of the Supreme  
4 Judicial Court, who shall also serve as chairman, the  
5 Attorney General, the Chief Justice of the Superior  
6 Court, the Chief Judge of the District Court, and the  
7 Dean of the University of Maine School of Law, each  
8 to serve ex officio, and an Active or Retired Justice  
9 of the Supreme Judicial Court, one Justice of the Su-  
10 perior Court, one Judge of the District Court, one  
11 elected Judge of a Probate Court, one appointed Judge  
12 of the Probate Court after January 1, 1987, one clerk  
13 of the judicial courts, 2 members of the bar and 6  
14 laymen, to be appointed by the Governor. The ap-  
15 pointments by the Governor shall be for such periods,  
16 not exceeding 4 years, as he shall determine.

17 Sec. 19. 4 MRSA §1201, sub-§12, as enacted by PL  
18 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

19 12. Judge. "Judge" means a Justice of the Su-  
20 preme Judicial Court or the Superior Court, any Judge  
21 of the District Court, any Probate Court judge ap-  
22 pointed under section 301-A, any Administrative Court  
23 Judge or any Associate Administrative Court Judge who  
24 is actively serving as of December 1, 1984, or who is  
25 appointed subsequent to December 1, 1984, but does  
26 not include Active Retired Judges.

27 Sec. 20. 5 MRSA §12004, sub-§10, ¶A, sub-¶(46-A)  
28 is enacted to read:

29	<u>(46-A) Judiciary:</u>	<u>Advisory Com-</u>	<u>Not Author-</u>	<u>4 MRSA</u>
30	<u>Family Law</u>	<u>mittee on</u>	<u>ized</u>	<u>§152-A</u>
31		<u>Family Cases</u>		

32 Sec. 21. 14 MRSA §8003, as enacted by PL 1975,  
33 c. 335, is amended to read:

34 §8003. Filing and status of foreign judgments

35 A copy of any foreign judgment authenticated in  
36 accordance with the Act of Congress or the statutes  
37 of this State may be filed in the office of the clerk  
38 of any District Court or of any Superior Court of  
39 this State, except that a copy of a foreign judgment  
40 pertaining to the subject matter of the actions de-

1 scribed in Title 4, section 152, subsection 4, para-  
2 graphs A to V must, if filed, be filed in the Dis-  
3 trict Court. The clerk shall treat the foreign judg-  
4 ment in the same manner as a judgment of the District  
5 Court or Superior Court of this State. A judgment so  
6 filed has the same effect and is subject to the same  
7 procedures, defenses and proceedings for reopening,  
8 vacating or staying as a judgment of the District  
9 Court or the Superior Court of this State and may be  
10 enforced or satisfied in like manner.

11       Sec. 22. 15 MRSA §3003, sub-§15, as amended by  
12 PL 1979, c. 681, §38, is further amended to read:

13       15. Family Court. "Juvenile Family Court" means  
14 the District Court exercising the jurisdiction con-  
15 ferred by section 3101.

16       Sec. 23. 15 MRSA §3101, sub-§1, as amended by PL  
17 1979, c. 681, §38, is further amended to read:

18       1. District Court as Family Court. The District  
19 Court shall exercise the jurisdiction conferred by  
20 this Part and, when exercising such jurisdiction,  
21 shall be known and referred to as the Juvenile Family  
22 Court.

23       Sec. 24. 15 MRSA §3101, sub-§2, ¶E, as enacted  
24 by PL 1981, c. 619, §3, is amended to read:

25       E. Juvenile Family Courts shall have jurisdic-  
26 tion concurrent with the District Courts over pe-  
27 titions for emancipation brought under section  
28 3506-A.

29       Sec. 25. 18-A MRSA §1-201, sub-§(5), as enacted  
30 by PL 1979, c. 540, §1, is amended to read:

31       (5) "Court" means any one of the several courts  
32 of probate of this State established as provided in  
33 Title 4, sections 201 and 202 or the Probate Court  
34 established under Title 4, section 301-A.

35       Sec. 26. 18-A MRSA §1-501, first ¶, as enacted  
36 by PL 1979, c. 540, §1, is amended to read:

1           Registers of probate ~~are~~ shall be elected ~~or~~ ap-  
2           pointed as provided in the Constitution by the people  
3           of their respective counties, by a plurality of the  
4           votes given in, at the biennial election on the Tues-  
5           day following the first Monday of November, and shall  
6           hold their offices for 4 years, commencing on the  
7           first day of January next after their elections. Vac-  
8           ancies occurring in these offices by death, resigna-  
9           tion or otherwise, shall be filled by election as in  
10          this paragraph at the November election, next after  
11          their occurrence. In the meantime, the Governor may  
12          fill these vacancies by appointment and the persons  
13          so appointed shall hold their offices until the first  
14          day of January next after the election. ~~Their~~ The  
15          election of a register of probate is effected and de-  
16          termined as is provided respecting county commission-  
17          ers by Title 30, chapter 1, and they enter upon the  
18          discharge of their duties on the first day of January  
19          following, but the term of those appointed to fill  
20          vacancies commences immediately. All registers, be-  
21          fore acting, shall give bond to the treasurer of  
22          their county with sufficient sureties in the sum of  
23          \$2,500, except that this sum shall be \$10,000 for  
24          Cumberland County. Every register, having executed  
25          such bond, shall file it in the office of the clerk  
26          of the county commissioners of his county, to be pre-  
27          sented to them at their next meeting for approval.  
28          After the bond has been so approved, the clerk shall  
29          record it and certify the fact thereon, and retaining  
30          a copy thereof, deliver the original to the register,  
31          who shall deliver it to the treasurer of the county  
32          within 10 days after its approval, to be filed in his  
33          office.

34           Sec. 27. 18-A MRSA §1-602, ¶(2), as repealed and  
35           replaced by PL 1983, c. 262, §1, is repealed and the  
36           following enacted in its place:

37           (2) For receiving and entering each petition to  
38           probate a will, including foreign wills, and each  
39           petition for the administration of an estate in  
40           intestacy when the value of the estate is:

41                   (i) For filing a will without probate, \$10;

42                   (ii) \$10,000 and under, \$50;

- 1                    (iii) \$10,001 to \$20,000, \$60;  
2                    (iv) \$20,001 to \$30,000, \$70;  
3                    (v) \$30,001 to \$40,000, \$80;  
4                    (vi) \$40,001 to \$50,000, \$90;  
5                    (vii) \$50,001 to \$75,000, \$115;  
6                    (viii) \$75,001 to \$150,000, \$200;  
7                    (ix) \$150,001 to \$250,000, \$300; or  
8                    (x) \$250,001 to \$500,000, \$500;  
9                    (xi) \$500,001 to \$750,000, \$750; or  
10                   (xii) More than \$750,000, 1/10th of 1% of  
11                   the value of the estate.

12                   **Sec. 28. 18-A MRSA §1-602, ¶(5), as enacted by**  
13                   **PL 1979, c. 540, §1, is amended to read:**

14                   (5) For filing a petition for appointment as  
15                   guardian or conservator, or for other protective  
16                   proceedings, ~~\$5~~ \$20.

17                   **Sec. 29. 18-A MRSA §1-602, ¶(6), as amended by**  
18                   **PL 1979, c. 719, §3, is further amended to read:**

19                   (6) For filing application for involuntary hos-  
20                   pitalization, ~~\$10~~ \$20.

21                   **Sec. 30. 18-A MRSA §1-602, ¶¶(7) and (8) are en-**  
22                   **acted to read:**

23                   (7) For filing a joint petition for appointment  
24                   as guardian and conservator, \$30.

25                   (8) For filing any other formal proceeding, \$20.

26                   **Sec. 31. 18-A MRSA §1-603, as amended by PL**  
27                   **1981, c. 40, §3, is further amended to read:**

28                   §1-603. Registers to account monthly for fees

1 Registers of probate shall account for each cal-  
2endar month under oath to the county treasurers or  
3 Treasurer of State, as provided in Title 4, section  
4 301, for all fees received by them or payable to them  
5 by virtue of the office, specifying the items, and  
6 shall pay the whole amount for each calendar month to  
7 the treasurers of their respective counties or Trea-  
8 surer of State, as applicable, not later than the  
9 15th day of the following month.

10 Sec. 32. 18-A MRSA §5-102, sub-§(a), as enacted  
11 by PL 1979, c. 540, §1, is amended to read:

12 (a) The Except as provided in section 5-310, the  
13 court has exclusive jurisdiction over guardianship  
14 proceedings and has jurisdiction over protective pro-  
15 ceedings to the extent provided in section 5-402.

16 Sec. 33. 18-A MRSA §5-130, 2nd ¶, as enacted by  
17 PL 1983, c. 620, is amended to read:

18 A petition for temporary guardianship may be  
19 brought before any judge or any District Court judge  
20 of the division in which venue properly lies if the  
21 judge of the county in which venue properly lies is  
22 unavailable. If a judge or District Court judge,  
23 other than the judge of the county in which venue  
24 properly lies, acts on a petition for temporary  
25 guardianship, he shall issue a written order and  
26 shall endorse upon it the date and time of the order.  
27 He shall then forthwith transmit or cause to be  
28 transmitted that order to the register of the county  
29 in which venue properly lies. Any order issued by a  
30 District Court judge or a judge of a county, other  
31 than the county in which venue properly lies, shall  
32 be deemed to have been entered in the docket on the  
33 date and at the time endorsed upon it.

34 Sec. 34. 19 MRSA §61, 2nd ¶, as amended by PL  
35 1983, c. 686, §1, is further amended to read:

36 Upon application by both of the parties to an in-  
37 tended marriage, when both parties are residents of  
38 this State or both parties are nonresidents, or upon  
39 application of the party residing within the State  
40 when one of the parties is a resident and the other a  
41 nonresident, and upon the payment of a filing fee of

1     ~~§10, payable to the Probate, Supreme Judicial, Super-~~  
2     ~~rior or District Court, \$40, a Judge of the District~~  
3     ~~Court, or, if a District Court judge is unavailable,~~  
4     ~~a judge of probate, or a Justice of the Supreme Judi-~~  
5     ~~cial or Superior Court or a Judge of the District~~  
6     ~~Court~~ may, after hearing such evidence as is pre-  
7     sented, grant a certificate stating that in his opin-  
8     ion it is expedient that the intended marriage be  
9     solemnized without delay. Upon the presentation of  
10    such a certificate or a copy thereof certified by the  
11    clerk of the court by which the certificate was is-  
12    sued, or in extraordinary or emergency cases when the  
13    death of either party is imminent, upon the authori-  
14    tative request of a minister, clergyman, priest, rab-  
15    bi or attending physician, the clerk or registrar of  
16    the city or town in which the intention to be joined  
17    in marriage has been filed shall at once issue the  
18    certificate as prescribed in this section.

19           Sec. 35. 19 MRSA §62, as amended by PL 1983, c.  
20    686, §2, is further amended to read:

21    §62. Certificate

22           On and after the 3rd day from the filing of no-  
23    tice of intentions of marriage, except as otherwise  
24    provided, the clerk shall deliver to the parties a  
25    certificate specifying the time when such intentions  
26    were entered with him. It shall be delivered to the  
27    minister or magistrate before he begins to solemnize  
28    the marriage, which shall be performed in the pres-  
29    ence of at least 2 witnesses besides the clergyman or  
30    magistrate officiating. No such certificate may be  
31    issued to a male under 18 or to a female under 18  
32    years of age, without the written consent of their  
33    parents, guardians or persons to whom a court has  
34    given custody of such minors first presented, if they  
35    have any living. In the absence of persons qualified  
36    to give consent, ~~the~~ a Judge of Probate the District  
37    Court in the county division where such the minors  
38    reside may, after notice and hearing, grant consent.  
39    When 2 licenses are required and when either or both  
40    applicants for a marriage license are under the ages  
41    specified in this section, the written consent shall  
42    be given for the issuance of both licenses and such  
43    written consent shall be given in the presence of the  
44    clerk issuing the license or by acknowledgment under

1 seal filed with ~~such~~ the clerk. No certificate may  
2 be issued to a person under 16 years of age without  
3 the written consent of that minor's parents, guardi-  
4 ans, or persons to whom a court has given custody of  
5 that minor first presented, if the minor has any liv-  
6 ing, and without that clerk, having notified ~~the~~ a  
7 Judge of Probate the District Court in the county  
8 division in which the minor resides of the filing of  
9 these intentions, and having received in writing the  
10 consent from the judge to issue the certificate. If  
11 no written consent from the judge has been received  
12 by the 10th day from the filing of notice of inten-  
13 tions of marriage, consent shall be deemed to have  
14 been received, and the clerk shall issue the certifi-  
15 cate. The Judge of Probate the District Court may, in  
16 the interest of public welfare, order that no such  
17 certificate shall be issued. Any certificate is void  
18 if not used within 60 days from the day the inten-  
19 tions are filed in the office of the municipal  
20 clerks. Whoever contracts a marriage or makes false  
21 representations to procure the certificate provided  
22 for above or the solemnization of marriage contrary  
23 to this chapter shall forfeit \$100. The clerk of any  
24 town or his deputy who intentionally violates this  
25 section or falsely states the residence of either  
26 party named in the certificate shall forfeit \$20 for  
27 each offense.

28 Sec. 36. 19 MRSA §92, as amended by PL 1977, c.  
29 479, §2, is further amended to read:

30 §92. Filing of cautions

31 Any person, believing that parties are about to  
32 contract marriage when either of them cannot lawfully  
33 do so, may file a caution and the reasons therefor in  
34 the office of the clerk where notice of their inten-  
35 tions should be filed. Then, if either party applies  
36 to enter such notice, the clerk shall withhold the  
37 certificate until a decision is made by the probate  
38 court judge Judge of the District Court from the  
39 county division involved, approving the marriage, af-  
40 ter due notice to and hearing all concerned, provided  
41 the person filing the caution shall within 7 days  
42 thereafter procure the decision of ~~such probate court~~  
43 the judge unless he certifies that further time is  
44 necessary for the purpose. In such case a certifi-

1 cate shall be withheld until the expiration of the  
2 certified time. He shall, finally, deliver or with-  
3 hold the certificate in accordance with the final de-  
4 cision of said the judge. If the decision is against  
5 the sufficiency, the judge shall enter judgment  
6 against the applicant for costs, and issue execution  
7 therefor.

8 Sec. 37. 19 MRSA §214, sub-§3, as enacted by PL  
9 1983, c. 813, §1, is amended to read:

10 3. Jurisdiction. If the father and mother of a  
11 minor child are living apart, the ~~Probate Court, Su-~~  
12 ~~perior Court or~~ District Court in the ~~county or~~ divi-  
13 sion where either resides, on complaint of either and  
14 after such notice to the other as the court may or-  
15 der, may make an order awarding parental rights and  
16 responsibilities with respect to the child. Begin-  
17 ning on July 1, 1988, the fee for filing the com-  
18 plaint shall be \$65.

19 The right to file a complaint shall not be denied any  
20 person for failure to meet any residency requirement  
21 if the person is a member of the Armed Forces of the  
22 United States on active duty stationed in this State  
23 or a parent of a child of such a member. Such a mem-  
24 ber shall be deemed to be a resident either of the  
25 county division in which the military installation or  
26 installations, or other place at which he has been  
27 stationed, is located or of the county division in  
28 which he has sojourned.

29 The jurisdiction granted by this section shall be  
30 limited by the Uniform Child Custody Jurisdiction  
31 Act, sections 801 to 825, if another state may have  
32 jurisdiction as provided in that Act.

33 Sec. 38. 19 MRSA §275, as enacted by PL 1967, c.  
34 325, §2 is amended to read:

35 §275. Remedies

36 The ~~Superior or~~ District Court has jurisdiction  
37 of an action under this subchapter, except when a ju-  
38 ry trial is requested under section 276, and all rem-  
39 edies for the enforcement of judgments for expenses  
40 of pregnancy and confinement for a wife or for educa-  
41 tion, necessary support or funeral expenses for le-



1 gitimate children apply. The court has continuing ju-  
2 risdiction to modify or revoke a judgment for future  
3 education and necessary support. All remedies under  
4 the Uniform Reciprocal Enforcement of Support Act are  
5 available for enforcement of duties of support under  
6 this subchapter.

7       Sec. 39. 19 MRSA §301, sub-§1, as enacted by PL  
8 1979, c. 668, §3, is amended to read:

9       1. Petition. If a parent, spouse or child ~~reside~~  
10 resides in this State, the parent or spouse, a guard-  
11 ian or a municipality providing maintenance may peti-  
12 tion the Superior, District or Probate Court to order  
13 a nonsupporting parent or spouse to contribute to the  
14 support of his spouse or child. The petition may be  
15 brought in the court in the county or district  
16 division where the parent, spouse or child reside  
17 resides or in the county or district division in  
18 which the nonsupporting parent or spouse may be  
19 found.

20       Sec. 40. 19 MRSA §332, sub-§1, as amended by PL  
21 1971, c. 393, §1, is further amended to read:

22       1. Court. "Court" means ~~the Superior Court or~~  
23 the District Court of this State and when the context  
24 requires means the court of any other state as de-  
25 fined in a substantially similar reciprocal law.

26       Sec. 41. 19 MRSA §393, as amended by PL 1971, c.  
27 393, §§5 and 6, is further amended to read:

28 §393. How duties of support enforced

29       All duties of support, including the duty to pay  
30 arrearages, are enforceable by a proceeding under  
31 this Act including the proceeding for civil contempt.  
32 The defense that the parties are immune to suit be-  
33 cause of their relationship as husband and wife or  
34 parent and child is not available to the obligor.  
35 Jurisdiction of all proceedings hereunder shall be  
36 vested in the ~~Superior Court or~~ the District Court.  
37 All proceedings may be commenced and acted upon by  
38 the ~~Superior Court in vacation before a single jus-~~

1     ~~time as well as in term time or by the District~~  
2     ~~Court.~~

3             Sec. 42. 19 MRSA §402-C, as enacted by PL 1971,  
4     c. 393, §11, is amended to read:

5     §402-C. Rules of evidence

6             In any hearing for the civil enforcement of this  
7     Act the court is governed by the rules of evidence  
8     applicable in a civil court action in the ~~Superior or~~  
9     District Court. If the action is based on a support  
10    order issued by another court, a certified copy of  
11    the order shall be received as evidence of the duty  
12    to support, subject only to any defenses available to  
13    an obligor with respect to paternity under section  
14    411 or to a defendant in an action or a proceeding to  
15    enforce a foreign money judgment. The determination  
16    or enforcement of a duty of support owed to one obli-  
17    gee is unaffected by any interference by another obli-  
18    gee with rights of custody or visitation granted by  
19    a court.

20            Sec. 43. 19 MRSA §445 is amended to read:

21     §445. Jurisdiction

22            The ~~Superior Court and the~~ District Court shall  
23    have jurisdiction of all proceedings brought under  
24    this subchapter.

25            Sec. 44. 19 MRSA §531, as amended by PL 1983, c.  
26    262, §3, is further amended to read:

27     §531. Persons who may adopt

28            Any husband and wife jointly, or any unmarried  
29    person, resident or nonresident of the State, may pe-  
30    tition the Probate Court to adopt a person, regard-  
31    less of age, and for a change of his name. The fee  
32    for filing the petition shall be ~~\$10~~ \$30. Jurisdic-  
33    tion to grant the adoption and change of name shall  
34    be in the county where the person to be adopted lives  
35    or the county where the petitioner resides or the pe-  
36    titioners reside or in the county in which the plac-  
37    ing agency having custody of the child is located.

1           Sec. 45. 19 MRSA §584, as repealed and replaced  
2 by PL 1979, c. 540, §33, is amended to read:

3     §584. Petition; notice; fee

4           The petition under section 581 may be brought and  
5 determined in the ~~county or~~ judicial division in  
6 which either of the parties lives, except that if the  
7 petitioner has left the ~~county or~~ judicial division  
8 in which the parties lived together and the respon-  
9 dent still lives therein, the petition shall be  
10 brought in that ~~county or~~ judicial division, and ~~such~~  
11 notice shall be given ~~thereon~~ as the rules of the  
12 court may provide. The Beginning on July 1, 1988, the  
13 fee for filing ~~such~~ the petition shall be \$5 ~~\$65~~.

14           The right to bring ~~such~~ the petition shall not be  
15 denied any person for failure to meet any residency  
16 requirement if ~~such~~ the person is a member of the  
17 Armed Forces of the United States on active duty sta-  
18 tioned in Maine or a dependent or spouse of such mem-  
19 ber. Such a member shall be deemed to be a resident  
20 ~~either~~ of the ~~county or~~ judicial division in which  
21 the military installation or installations or other  
22 place at which he has been stationed is located or of  
23 the ~~county or~~ judicial division in which he has  
24 sojourned.

25           Sec. 46. 19 MRSA §588, as amended by PL 1975, c.  
26 540, §37, is further amended to read:

27     §588. Jurisdiction

28           The District Court shall possess original juris-  
29 diction; ~~concurrent with the Superior Court,~~ of ac-  
30 tions for judicial separation under this chapter.

31           Sec. 47. 19 MRSA §632, as amended by PL 1973, c.  
32 479, §4, is further amended to read:

33     §632. Annulment of illegal marriages

34           When the validity of a marriage is doubted, ei-  
35 ther party may file a complaint as for divorce, and  
36 the court shall order it annulled or affirmed accord-  
37 ing to the proof; but no such order affects the  
38 rights of the defendant unless he was actually noti-

1       fied of the action or answered to the complaint. Be-  
2 ginning on July 1, 1988, the fee for filing the com-  
3 plaint shall be \$65. The right to file such a com-  
4 plaint shall not be denied any person for failure to  
5 meet any residency requirement if ~~such~~ the person is  
6 a member of the Armed Forces of the United States on  
7 active duty stationed in Maine or a dependent or  
8 spouse of such a member. Such a member shall be  
9 deemed to be a resident ~~either~~ of the county division  
10 in which the military installation or installations  
11 or other place at which he has been stationed is lo-  
12 cated or of the county division in which he has  
13 sojourned.

14               Sec. 48. 19 MRSA §635 is amended to read:

15       §635. Jurisdiction

16               The District Court shall possess original juris-  
17 isdiction; ~~concurrent with the Superior Court,~~ of ac-  
18 tions for annulment of marriage under this subchap-  
19 ter.

20               Sec. 49. 19 MRSA §664, is amended to read:

21       §664. Jurisdiction

22               The District Court shall possess original juris-  
23 isdiction; ~~concurrent with the Superior Court,~~ of ac-  
24 tions for divorce under this subchapter.

25               Sec. 50. 19 MRSA §691, sub-§2, as enacted by PL  
26 1977, c. 226, §1, is amended to read:

27               2. Jurisdiction. The Superior Court or the Dis-  
28 trict Court shall have jurisdiction of an action for  
29 divorce if:

30               A. The plaintiff has resided in good faith in  
31 this State for 6 months prior to the commencement  
32 of the action;

33               B. The plaintiff is a resident of this State and  
34 the parties were married in this State;

35               C. The plaintiff is a resident of this State and  
36 the parties resided in this State when the cause  
37 of divorce accrued; or

1 D. The defendant is a resident of this State.

2 Beginning on July 1, 1988, the fee for filing a di-  
3 vorce action shall be \$65.

4 Sec. 51. 19 MRSA §691, last ¶, as enacted by PL  
5 1977, c. 226, §1, is amended to read:

6 Any person serving on active duty in a branch of  
7 the Armed Services of the United States and the  
8 spouse of any such person who was not previously a  
9 citizen of this State and who, at the time of the  
10 commencement of an action for divorce, has been sta-  
11 tioned at a military installation or installations or  
12 other place in this State for 6 months prior to the  
13 commencement of an action for divorce shall for the  
14 purposes hereof be deemed to be a resident in good  
15 faith of this State and either the county division in  
16 which the military installation or installations or  
17 other place at which he has been stationed is located  
18 or of the county division in which he has sojourned.

19 Sec. 52. 19 MRSA §781, as amended by PL 1983, c.  
20 262, §4, is further amended to read:

21 §781. Petition for name change

22 If a person desires to have his name changed, he  
23 may petition the judge of probate Judge of the Dis-  
24 trict Court in the county division where he resides;  
25 or, if he is a minor, his legal custodian may peti-  
26 tion in his behalf, and the judge, after due notice,  
27 may change the name of the person and shall make and  
28 preserve a record thereof. The fee for filing the  
29 petition shall be ~~\$10~~ \$20.

30 Sec. 53. 19 MRSA §803, sub-§1-A is enacted to  
31 read:

32 1-A. Court of this State. "Court of this State"  
33 means the District Court or Probate Court, as appli-  
34 cable.

35 Sec. 54. 22 MRSA §4031, sub-§1, ¶B, as enacted  
36 by PL 1979, c. 733, §18, is amended to read:

1 B. The Probate Court shall have ~~concurrent~~ ju-  
2 risdiction to hear petitions under ~~sections 4032~~  
3 ~~and 4034~~ Title 19, section 533-A. The Probate  
4 Court may transfer a case to the District Court  
5 on the motion of any party or its own motion. The  
6 Probate Court order shall remain in effect unless  
7 modified by the District Court.

8 Sec. 55. 30 MRSA §2, sub-§1, ¶A, as amended by  
9 PL 1983. c. 790 is further amended to read:

10 A. Androscoggin County:

- 11 (1) Commissioners
  - 12 (a) Chairman \$ 5,050
  - 13 (b) Members 4,250
- 14 (2) Treasurer 16,050
- 15 (3) Sheriff 19,313
- 16 ~~(4) Judge of probate 10,774~~
- 17 (5) Register of probate 14,966
- 18 (6) Register of deeds 15,301

19 Sec. 56. 30 MRSA §2, sub-§1, ¶B, as amended by  
20 PL 1985, c. 196, is further amended to read:

21 B. Aroostook County:

- 22 (1) Commissioners
  - 23 (a) Chairman \$ 8,983
  - 24 (b) Members 4,620
- 25 (2) Treasurer 6,930
- 26 (3) Sheriff 17,850
- 27 ~~(4) Judge of probate 9,818~~
- 28 (5) Register of probate 13,000

- 1                   (6) Register of deeds
- 2                   (a) Northern District                   13,230
- 3                   (b) Southern District                   13,230

4       **Sec. 57. 30 MRSA §2, sub-§1, ¶C**, as amended by  
 5 PL 1985, c. 196, is further amended to read:

6       C. Cumberland County:

- 7                   (1) Commissioners
- 8                   (a) Chairman                               \$ 6,192
- 9                   (b) Members                               6,192
- 10                  (2) Treasurer                           11,994
- 11                  (3) Sheriff                               22,225
- 12                  ~~(4) Judge of probate                   18,000~~
- 13                  (5) Register of probate               11,824
- 14                  (6) Register of deeds                   11,994

15       **Sec. 58. 30 MRSA §2, sub-§1, ¶D**, as amended by  
 16 PL 1985, c. 196, is further amended to read:

17       D. Franklin County:

- 18                  (1) Commissioners
- 19                  (a) Chairman                           \$ 4,232
- 20                  (b) Members                           4,013
- 21                  (2) Treasurer                       4,380
- 22                  (3) Sheriff                           21,032
- 23                  ~~(4) Judge of probate                   10,500~~
- 24                  (5) Register of probate           13,389
- 25                  (6) Register of deeds               13,854

1           Sec. 59. 30 MRSA §2, sub-§1, ¶E, as amended by  
2 PL 1985, c. 196, is further amended to read:

3           E. Hancock County:

4	(1) Commissioners	
5	(a) Chairman	\$ 5,705
6	(b) Members	5,280
7	(2) Treasurer	13,200
8	(3) Sheriff	20,794
9	<del>(4) Judge of probate</del>	<del>11,680</del>
10	(5) Register of probate	11,212
11	(6) Register of deeds	13,200

12           Sec. 60. 30 MRSA §2, sub-§1, ¶F, as amended by  
13 PL 1985, c. 196, is further amended to read:

14           F. Kennebec County:

15	(1) Commissioners	
16	(a) Chairman	\$ 5,485
17	(b) Members	5,119
18	(2) Treasurer	7,921
19	(3) Sheriff	21,321
20	<del>(4) Judge of probate</del>	<del>12,675</del>
21	(5) Register of probate	15,165
22	(6) Register of deeds	15,165

23           Sec. 61. 30 MRSA §2, sub-§1, ¶G, as amended by  
24 PL 1985, c. 196, is further amended to read:

25           G. Knox County:



1	(1) Commissioners	
2	(a) Chairman	\$ 3,683
3	(b) Members	3,439
4	(2) Treasurer	5,193
5	(3) Sheriff	19,000
6	<del>(4) Judge of probate</del>	<del>11,000</del>
7	(5) Register of probate	11,850
8	(6) Register of deeds	13,304

9 Sec. 62. 30 MRSA §2, sub-§1, ¶H, as amended by  
 10 PL 1985, c. 196, is further amended to read:

11 H. Lincoln County:

12	(1) Commissioners	
13	(a) Chairman	\$ 4,800
14	(b) Members	4,100
15	(2) Treasurer	4,700
16	(3) Sheriff	22,252
17	<del>(4) Judge of probate</del>	<del>10,800</del>
18	(5) Register of probate	13,752
19	(6) Register of deeds	17,551

20 Sec. 63. 30 MRSA §2, sub-§1, ¶I, as amended by  
 21 PL 1985, c. 196, is further amended to read:

22 I. Oxford County:

23	(1) Commissioners	
24	(a) Chairman	\$ 4,810
25	(b) Members	4,382

1	(2)	Treasurer	5,792
2	(3)	Sheriff	20,846
3	<del>(4)</del>	<del>Judge of probate</del>	<del>12,074</del>
4	(5)	Register of probate	13,800
5	(6)	Register of deeds	
6	(a)	Eastern District	14,200
7	(b)	Western District	10,600

8       Sec. 64. 30 MRSA §2, sub-§1, ¶J, as amended by  
9       PL 1985, c. 196, is further amended to read:

10       J. Penobscot County:

11	(1)	Commissioners	
12	(a)	Chairman	\$ 6,968
13	(b)	Members	6,656
14	(2)	Treasurer	2,600
15	(3)	Sheriff	21,216
16	<del>(4)</del>	<del>Judge of probate</del>	<del>17,732</del>
17	(5)	Register of probate	16,848
18	(6)	Register of deeds	16,848

19       Sec. 65. 30 MRSA §2, sub-§1, ¶K, as amended by  
20       PL 1985, c. 196, is further amended to read:

21       K. Piscataquis County:

22	(1)	Commissioners	
23	(a)	Chairman	\$ 4,080
24	(b)	Members	3,308
25	(2)	Treasurer	4,700

1	(3) Sheriff	18,743
2	<del>(4) Judge of probate</del>	<del>10,915</del>
3	(5) Register of probate	12,294
4	(6) Register of deeds	12,743

5       **Sec. 66. 30 MRSA §2, sub-§1, ¶L**, as amended by  
6 PL 1985, c. 196, is further amended to read:

7       L. Sagadahoc County:

8	(1) Commissioners	
9	(a) Chairman	\$ 3,425
10	(b) Members	3,106
11	(2) Treasurer	6,551
12	(3) Sheriff	17,253
13	<del>(4) Judge of probate</del>	<del>12,069</del>
14	(5) Register of probate	13,187
15	(6) Register of deeds	14,071

16       **Sec. 67. 30 MRSA §2, sub-§1, ¶M**, as amended by  
17 PL 1985, c. 196, is further amended to read:

18       M. Somerset County:

19	(1) Commissioners	
20	(a) Chairman	\$ 3,896
21	(b) Members	3,339
22	(2) Treasurer	8,028
23	(3) Sheriff	22,000
24	<del>(4) Judge of probate</del>	<del>12,855</del>
25	(5) Register of probate	13,557

1 (6) Register of deeds 12,927

2 Sec. 68. 30 MRSA §2, sub-§1, ¶N, as amended by  
3 PL 1985, c. 196, is further amended to read:

4 N. Waldo County:

5 (1) Commissioners

6 (a) Chairman \$ 2,848

7 (b) Members 2,848

8 (2) Treasurer 5,400

9 (3) Sheriff 18,953

10 ~~(4) Judge of probate 11,078~~

11 (5) Register of probate 12,243

12 (6) Register of deeds 12,243

13 Sec. 69. 30 MRSA §2, sub-§1, ¶O, as amended by  
14 PL 1985, c. 196, is further amended to read:

15 O. Washington County:

16 (1) Commissioners

17 (a) Chairman \$ 4,685

18 (b) Members 3,905

19 (2) Treasurer 11,399

20 (3) Sheriff 20,695

21 ~~(4) Judge of probate 12,915~~

22 (5) Register of probate 12,785

23 (6) Register of deeds 12,785

24 Sec. 70. 30 MRSA §2, sub-§1, ¶P, as amended by  
25 PL 1985, c. 196, is further amended to read:

- 1 P. York County:
- 2 (1) Commissioners
- 3 (a) Chairman
- 4 (b) Members
- 5 (2) Treasurer 3,500
- 6 (3) Sheriff 20,000
- 7 ~~(4) Judge of probate 10,500~~
- 8 (5) Register of probate 13,900
- 9 (6) Register of deeds 15,000

10 Sec. 71. 34-A MRSA §9003, sub-§1, as enacted by  
 11 PL 1983, c. 459, §6, is repealed and the following  
 12 enacted in its place:

13 1. Court. "Court" means the District Court.

14 Sec. 72. 34-B MRSA §3863, sub-§3, as enacted by  
 15 PL 1983, c. 459, §7, is amended to read:

16 3. Judicial review. The application and accom-  
 17 panying certificate shall be reviewed by a Justice of  
 18 the Superior Court; Judge of the District Court or,  
 19 if a District Court Judge is not available, by a Jus-  
 20 tice of the Superior Court, Judge of Probate or a  
 21 complaint justice.

22 A. If the judge or justice finds the application  
 23 and accompanying certificate to be regular and in  
 24 accordance with the law, he shall endorse them.

25 B. No person may be held against his will in the  
 26 hospital under this section, whether informally  
 27 admitted under section 3831 or sought to be in-  
 28 voluntarily admitted under this section, unless  
 29 the application and certificate have been en-  
 30 dorsed by a judge or justice, except that a per-  
 31 son for whom an examiner has executed the certif-  
 32 icate under subsection 2 may be detained in a

1 hospital for a reasonable period of time, not to  
2 exceed 18 hours, pending endorsement by a judge  
3 or justice, if:

4 (1) For a person informally admitted under  
5 section 3831, the chief administrative offi-  
6 cer of the hospital undertakes to secure the  
7 endorsement forthwith upon execution of the  
8 certificate by the examiner; and

9 (2) For a person sought to be involuntarily  
10 admitted under this section, the person or  
11 persons transporting him to the hospital un-  
12 dertake to secure the endorsement forthwith  
13 upon execution of the certificate by the ex-  
14 aminer.

15 Sec. 73. 34-B MRSA §5477, sub-§4, ¶C, as enacted  
16 by PL 1983, c. 459, §7, is amended to read:

17 C. The application and accompanying certificate  
18 shall be reviewed by a ~~Justice of the Superior~~  
19 ~~Court~~, a Judge of the District Court or, if a  
20 District Court Judge is not available, by a Jus-  
21 tice of the Superior Court, a Judge of Probate or  
22 a complaint justice.

23 (1) If the judge or justice finds the ap-  
24 plication and accompanying certificate to be  
25 regular and in accordance with the law, he  
26 shall endorse them.

27 (2) No person may be held against his will  
28 in the facility under this subsection unless  
29 the application and certificate have been  
30 endorsed by a judge or justice, except that  
31 a person for whom an examiner has executed  
32 the certificate provided for under this sub-  
33 section may be detained in a facility for as  
34 long as is necessary to obtain the endorse-  
35 ment by a judge or justice, if the person or  
36 persons transporting the person to the fa-  
37 cility undertake to secure the endorsement  
38 forthwith upon execution of the certificate  
39 by the examiner.

1           **Sec. 74. Report.** On or before January 1, 1990,  
2 the Judicial Council shall report to the Legislature  
3 on the functioning of the District Court as a Family  
4 Court and on the utilization of appointed Probate  
5 Court Judges for probate cases and other cases within  
6 the District Court.

7           **Sec. 75. Appropriation.** The following funds are  
8 appropriated from the General Fund to carry out the  
9 purposes of this Act.

10 1986-87

11 JUDICIAL DEPARTMENT

12	Courts - District	
13	Positions	(3)
14	Personal Services	\$156,216
15	All Other	13,500
16	Capital Expenditures	<u>18,000</u>

17           **Total** \$187,716

18           Funds to be used  
19           to hire 3 new  
20           judges in Janu-  
21           ary 1987.

22           **Sec. 76. Effective date.** Sections 55, 57 to 60,  
23 64 and 70 become effective on January 1, 1987. Sec-  
24 tions 56, 61 to 63 and 65 to 69 become effective on  
25 January 1, 1989.

26 **FISCAL NOTE**

27           This new draft will require a General Fund appro-  
28 priation of \$187,716 to hire 3 Probate Court Judges  
29 as of January 1987.

30           This new draft also increases filing fees for the  
31 Probate Court and, in 2 years, divorce fees within  
32 the District Courts. The counties will retain their  
33 current revenue level from probate filing fees and  
34 the increased revenues will be paid over to the Gen-  
35 eral Fund. The estimated increase to the General  
36 Fund in 1987 will be \$404,569.

37           The total estimated fiscal impact of this new  
38 draft is as follows:

		<u>Revenues</u>	<u>Expenditures</u>
1			
2	1987	\$404,569	\$187,716
3	1988	404,569	384,426
4	1989	710,424	593,162
5	1990	710,424	821,940

6 **STATEMENT OF FACT**

7 This new draft revises the legislation recom-  
8 mended by the Family Matters in Court Commission creat-  
9 ed by Private and Special Law 1985, chapter 65.

10 Sections 1 and 2 amend provisions of the Maine  
11 Revised Statutes, Title 4, concerning District Court  
12 jurisdiction to reflect the exclusive jurisdiction  
13 over family cases given to the District Court.

14 Section 3 requires the District Court when hear-  
15 ing family cases to be referred to as the Family  
16 Court. The Chief Judge of the District Court, when  
17 assigning District Court Judges to hear family cases,  
18 must seek to assign judges with an interest or abili-  
19 ty in family cases. The Chief Judge of the District  
20 Court, in assigning appointed Probate Court judges  
21 when those judges are available for the hearing of  
22 nonprobate cases, shall give priority to assigning  
23 these judges to hearing family cases. The District  
24 Court is to develop a family case data system. All  
25 court facilities of the State are to be available for  
26 the scheduling of the hearing of family cases, sub-  
27 ject to the requirement that the District Court must  
28 negotiate with a county for the use of its Probate  
29 Court facilities for nonprobate cases. All judges  
30 assigned to hear family cases are to attend an annual  
31 conference on family matters. An advisory committee  
32 of persons involved with family cases is created to  
33 assist the Chief Judge of the District Court.

34 Section 4 gives the District Court administrative  
35 responsibility for appointed Probate Court Judges.  
36 County commissioners are to continue to provide fa-  
37 cilities for the use of the Probate Court. The Dis-  
38 trict Court must negotiate for the use of Probate  
39 Court facilities by the District Court.



1 Section 5 permits appointed Probate Court Judges  
2 and Active Retired Probate Court Judges to sit in the  
3 District Court.

4 Sections 6 to 8 further implement the District  
5 Court's administrative responsibility for Probate  
6 Court Judges.

7 Section 9 requires sheriffs to furnish bailiffs  
8 to appointed Probate Court Judges if requested. The  
9 District Court pays compensation for these bailiffs.

10 Section 10 permits the Probate Court to change  
11 names of children as part of an adoption proceeding.  
12 Petitions for changes of names of adults or minors,  
13 apart from adoption proceedings, are to be heard by  
14 the District Court.

15 Section 11 amends a provision of the Maine Re-  
16 vised Statutes, Title 4, concerning the election of  
17 Judges of Probate. This change is part of a transfer  
18 to a system of full-time, appointed Probate Judges.  
19 Section 11 also alters the handling of Probate Court  
20 filing fees. The increases in certain probate filing  
21 fees made in this new draft are to be paid by probate  
22 registers to the State Treasurer for credit to the  
23 General Fund. The current amount of each relevant  
24 probate filing fee is to be retained by the counties.

25 Section 12 establishes a Probate Court system  
26 with full-time appointed Probate Judges. In estab-  
27 lishing this system of full-time Probate Judges, sec-  
28 tion 12 effectuates the repeal of the Constitution of  
29 Maine, Article VI, Section 6, which requires the  
30 election of judges and registers of probate. From  
31 1987 to 1988, 3 Probate Judges will be appointed by  
32 the Governor to serve Cumberland, York, Kennebec,  
33 Androscoggin, Franklin, Penobscot and Hancock Coun-  
34 ties full time. In 1989, 3 more Probate Judges will  
35 be appointed so that all 16 counties will be served  
36 by full-time Probate Judges. These judges will be  
37 members of the Judicial Department with salaries,  
38 paid by the State, equivalent to those of District  
39 Court Judges.

40 Section 13 permits appointed Probate Court Judges  
41 who have retired to be eligible for appointment as  
42 active retired judges of the Probate Court.

1           Sections 14 to 17 amend the Maine Revised Stat-  
2           utes, Title 4, that concern elected Probate Judges.

3           Section 18 adds a Judge of the Probate Court,  
4           upon appointment, to the Judicial Council.

5           Section 19 places appointed Probate Court Judges  
6           within the judicial retirement system.

7           Section 20 places the advisory committee created  
8           under section 3 within the required law for boards  
9           and commissions.

10          Section 21 amends the provision in the Maine Re-  
11          vised Statutes, Title 14, concerning the filing of  
12          foreign judgments in Maine to reflect the exclusive  
13          jurisdiction of the District Court in family cases.

14          Sections 22 to 24 change the name of the Juvenile  
15          Court to the Family Court.

16          Section 25 amends the definition of "court" in  
17          the Probate Code to make it clear that the Probate  
18          Code's reference to the court having jurisdiction  
19          over probate cases includes the Probate Court as con-  
20          stituted by appointed judges.

21          Section 26 places the repealed provisions of the  
22          Constitution of Maine concerning the election of reg-  
23          isters of probate into law.

24          Sections 27 to 30 increase fees for the filing of  
25          certain probate court actions.

26          Section 31 concerns payment, where applicable, of  
27          probate fees to the State.

28          Sections 32 and 33 permit District Court Judges  
29          of the appropriate venue to act on temporary guardi-  
30          anship petitions.

31          Section 34 gives primary jurisdiction over ac-  
32          tions to waive the waiting period prior to marriage  
33          to the District Court.

34          Section 35 gives jurisdiction over actions to  
35          permit minors to marry to the District Court.

1 Section 36 gives jurisdiction over actions arising  
2 from cautions to marriage to the District Court.

3 Section 37 gives jurisdiction over actions to determine  
4 parental rights and responsibilities when parents are living  
5 apart to the District Court and establishes an increased filing  
6 fee in the law for these actions effective July 1, 1988.  
7

8 Section 38 gives jurisdiction over paternity actions  
9 to the District Court.

10 Section 39 gives jurisdiction over actions for support  
11 of a spouse or child to the District Court.

12 Sections 40, 41 and 42 give jurisdiction over actions under  
13 the Uniform Reciprocal Enforcement of Support Act to the  
14 District Court.

15 Section 43 gives jurisdiction over actions under the  
16 Uniform Civil Liability for Support Act to the District Court.  
17

18 Section 44 raises the fee for filing a petition for  
19 adoption in the Probate Court.

20 Sections 45 and 46 give jurisdiction over judicial  
21 separation actions to the District Court. Section 45  
22 establishes an increased filing fee in the law for these  
23 actions effective July 1, 1988.

24 Sections 47 and 48 give jurisdiction over annulment  
25 actions to the District Court. Section 47 establishes an  
26 increased filing fee in the law for these actions effective  
27 July 1, 1988.

28 Sections 49, 50 and 51 give jurisdiction over divorce  
29 actions to the District Court. Section 50 establishes an  
30 increased filing fee in the law for these actions effective  
31 July 1, 1988.

32 Section 52 gives jurisdiction over name change  
33 petitions to the District Court and raises the filing  
34 fee for these petitions.

35 Section 53 gives a definition for "court of this  
36 State" in the Uniform Child Custody Jurisdiction Act

1       thereby giving jurisdiction over actions under this  
2       Act primarily to the District Court.

3               Section 54 gives jurisdiction over child protec-  
4       tion actions to the District Court, with limited  
5       emergency jurisdiction in the Probate Court.

6               Sections 55 to 70 repeal the county-paid salaries  
7       of elected probate judges when those offices are  
8       abolished.

9               Section 71 gives jurisdiction over actions in-  
10      volving runaway delinquent juveniles to the District  
11      Court.

12              Section 72 gives primary jurisdiction over emer-  
13      gency commitment of mentally ill persons to the Dis-  
14      trict Court.

15              Section 73 gives primary jurisdiction over emer-  
16      gency institutionalization of mentally retarded per-  
17      sons to the District Court.

18              Section 74 requires the Judicial Council to re-  
19      port to the Legislature in 1990 on the workings of  
20      the District Court as Family Court and on the use of  
21      appointed Probate Court Judges.

22              Section 75 appropriates funds.

23              Section 76 establishes effective dates.

24

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