

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 802

H.P. 591 House of Representatives, March 17, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative CROWLEY of Stockton Springs.  
Cosponsored by Representatives PARADIS of Augusta,  
MacBRIDE of Presque Isle, and Senator BRANNIGAN of Cumberland.

STATE OF MAINE

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

AN ACT to Amend Certain Probate Laws.

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

Sec. 1. 18-A MRSa §1-602, ¶(2), as repealed and  
replaced by PL 1983, c. 262, §1, is repealed and the  
following enacted to read:

(2) For receiving and entering each petition or  
application to probate a will, including foreign  
wills, each petition or application for the ad-  
ministration of an estate in intestacy, including  
foreign intestacy and the filing of a notice by a  
domiciliary foreign personal representative when  
the value of the estate is:

(i) For filing a will to be probated and  
without an appointment, \$10;

- 1                    (ii) \$10,000 and under, \$15;  
2                    (iii) \$10,001 to \$20,000, \$30;  
3                    (iv) \$20,001 to \$30,000, \$45;  
4                    (v) \$30,001 to \$40,000, \$60;  
5                    (vi) \$40,001 to \$50,000, \$75;  
6                    (vii) \$50,001 to \$75,000, \$115;  
7                    (viii) \$75,001 to \$150,000, \$225;  
8                    (ix) \$150,001 to \$250,000, \$375;  
9                    (x) \$250,001 to \$500,000, \$750  
10                   (xi) \$500,001 to \$1,000,000, \$1,500; or  
11                   (xii) More than \$1,000,000, \$1,500 plus (i)  
12                   to (xi)

13                   Sec. 2. 18-A MRSA §1-602, ¶(5), as enacted by PL  
14 1979, c. 540, §1, is amended to read:

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

18                   Sec. 3. 18-A MRSA §1-602, ¶¶(7) and (8), as en-  
19 acted by PL 1983, c. 262, §2, is amended to read:

20                   (7) For filing a ~~joint~~ joined petition for  
21 ~~appointment~~ as guardian and conservator, ~~\$10~~  
22 \$20.

23                   (8) For filing any other formal proceeding,  
24 ~~\$5~~ \$10.

25                   Sec. 4. 18-A MRSA §1-602, ¶(9) is enacted to  
26 read:

27                   (9) For filing a petition for appointment  
28 of conservator, \$10.

29                   Sec. 5. 18-A MRSA §4-204, as enacted by PL 1979,  
30 c. 540, §1, is amended to read:

1     §4-204. Proof of authority; bond

2           If no local administration or application or pe-  
3     tition therefor is pending in this State, a domicil-  
4     iary foreign personal representative may file with a  
5     court in this State in a county in which property be-  
6     longing to the decedent is located, authenticated  
7     copies of his appointment and, will, if any, of any  
8     official bond he has given and a certificate, dated  
9     within 60 days, proving his current authority.

10           Sec. 6. 18-A MRSA §5-432, as enacted by PL 1979,  
11     c. 540, §1, is amended to read:

12     §5-432. Foreign conservator; proof of authority;  
13     bond; powers

14           If no local conservator has been appointed and no  
15     petition in a protective proceeding is pending in  
16     this State, a domiciliary foreign conservator may  
17     file with a court in this State in a county in which  
18     property belonging to the protected person is lo-  
19     cated, authenticated copies of his appointment and,  
20     of any official bond he has given and a certificate,  
21     dated within 60 days, proving his current authority.  
22     Thereafter, he may exercise as to assets in this  
23     State all powers of a local conservator and may main-  
24     tain actions and proceedings in this State subject to  
25     any conditions imposed upon nonresident parties gen-  
26     erally.

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STATEMENT OF FACT

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This bill advocates increasing certain probate filing fees to provide for more equity within the graduated scale of fees currently being charged, as well as the charging of filing fees on foreign estates.

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This bill also provides a statutory requirement for the filing of an updated certificate of appointment by the domiciliary foreign personal representative and domiciliary foreign conservator. The Maine Revised Statutes, Title 18-A, section 4-204 would also require that an authenticated copy of a foreign will, if any, be filed.

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