

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 976

H.P. 725 House of Representatives, March 26, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative ANTHONY of South Portland.  
Cosponsored by Senator BRANNIGAN of Cumberland,  
Representatives PARADIS of Augusta and STANLEY of Cumberland.

STATE OF MAINE

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

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**AN ACT to Consolidate Family Cases in a  
Family Court within the District Court  
and to Establish Full-time Appointed  
Probate Judges.**

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

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Sec. 1. 4 MRSa §152, sub-§4, as repealed and re-  
placed by PL 1983, c. 796, sub-§1, is repealed and  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

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13

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

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

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

- 1           O. Actions for a medical treatment order under  
2           Title 22, chapter 1071, subchapter VIII;
- 3           P. Actions for emancipation of a juvenile under  
4           Title 15, section 3506-A;
- 5           Q. Proceedings involving juvenile crimes under  
6           Title 15, chapter 501;
- 7           R. Actions to return delinquent juveniles under  
8           Title 34-A, chapter 9, subchapter I;
- 9           S. Actions for involuntary hospitalization of  
10          mentally ill persons under Title 34-B, chapter 3,  
11          subchapter IV, article III, except as emergency  
12          jurisdiction in other courts is authorized under  
13          Title 34-B, section 3863, subsection 3;
- 14          T. Actions for involuntary admissions of mental-  
15          ly retarded persons under Title 34-B, chapter 5,  
16          subchapter III, article III;
- 17          U. Actions for sterilizations under Title 34-B,  
18          chapter 7;
- 19          V. Actions to enforce truancy laws under Title  
20          20-A, section 5053;
- 21          W. Actions to enforce foreign judgments when the  
22          foreign judgment pertains to the subject matter  
23          of the actions described in paragraphs A to V;  
24          and
- 25          X. Small claims actions under Title 14, chapter  
26          738.

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

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

30           §152-A. Family cases in the District Court

31           1. Family cases. For the purposes of this sec-  
32           tion, "family cases" means those listed in section  
33           152, subsection 4, paragraphs A to W.

1           2. Family Court. When exercising the jurisdiction  
2 conferred by section 152, subsection 4, para-  
3 graphs A to W the District Court shall be referred to  
4 as the "Family Court."

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

15           4. Family cases data system. The District Court  
16 shall develop a data system permitting the cataloging  
17 and retrieving of all family cases within the Dis-  
18 trict Court by names of individual family members in-  
19 volved.

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

34           6. Mediation and other services. The Family  
35 Court may at any time, in any case under its juris-  
36 isdiction, refer the parties to mediation on any is-  
37 ssues. The Family Court shall assure that assessments  
38 and dispositions of family cases include appropriate  
39 social and other services available to families. The  
40 Family Court may appoint a guardian ad litem or  
41 court-appointed special advocate in any family case.  
42 When a custody study is necessary in any family case,  
43 the Family Court shall encourage parties who can af-

1 ford to pay for the study to agree, for the purpose  
2 of reducing delay, upon the use of an independent  
3 mental health professional, educator, family practice  
4 attorney or other qualified professional to conduct  
5 the study.

6 7. Continuing education. All judges assigned to  
7 hear family cases, any other interested judges and  
8 all members of the advisory committee established under  
9 subsection 8 shall meet annually at a conference  
10 sponsored by the Judicial Department to discuss and  
11 receive continuing education in family matters and  
12 services available to families. Other court person-  
13 nel, family practice attorneys, social service  
14 providers, mediators and others involved with family  
15 cases may be included in the conference.

16 8. Advisory Committee on Family Cases. The  
17 Chief Justice of the Supreme Judicial Court shall ap-  
18 point the Advisory Committee on Family Cases to ad-  
19 vice the Chief Judge of the District Court regarding  
20 the enforcement of the sensitive handling of family  
21 matters through insulation of family cases from other  
22 civil and criminal court cases, more expeditious res-  
23 olution of family cases, increased uniformity and  
24 continuity in the handling of family disputes and  
25 problems, encouragement of nonadversarial resolutions  
26 of family disputes, development of judicial expertise  
27 in family matters, coordination of services for fami-  
28 lies and provision of appropriate facilities for the  
29 hearing of family cases. The Chief Justice shall ap-  
30 point not less than 10 nor more than 15 members to  
31 the committee. Committee membership includes family  
32 practice attorneys, mediators, court personnel, so-  
33 cial service providers and others involved with fami-  
34 ly cases. Committee members shall serve at the plea-  
35 sure of the Chief Justice or for whatever terms the  
36 Chief Justice sets. Committee members shall not re-  
37 ceive any compensation for their committee work.

38 The advisory committee shall meet at the call of the  
39 Chief Judge of the District Court at least 3 times  
40 per year. The committee shall advise the Chief Judge  
41 on the overall functioning of the Family Court with  
42 regard to family cases, including the usage of media-  
43 tion, guardians ad litem, court-appointed special ad-  
44 vocates and other nonjudicial services.

1           Sec. 4. 4 MRSA §152-B is enacted to read:

2       §152-B. District Court administration of Probate  
3       Court and use of Probate Court facilities

4       The District Court shall have administrative re-  
5       sponsibility for Probate Court judges appointed under  
6       section 301-A. These responsibilities include, but  
7       are not limited to, supervision of the caseload of  
8       Probate Court judges, assignment of Probate Court  
9       judges to hear nonprobate cases within the District  
10       Court and other administrative responsibilities of  
11       the type carried out for District Court judges under  
12       this chapter.

13       The county commissioners in each county shall  
14       continue to provide for the use of the Probate Court  
15       such quarters, facilities, furnishings and equipment  
16       in existing county buildings as were in use on Janu-  
17       ary 1, 1989, without charge.

18       The Chief Judge of the District Court, with the  
19       advice and approval of the Bureau of Public Improve-  
20       ments, may negotiate on behalf of the State, the  
21       leases, contracts and other arrangements he considers  
22       necessary, within the limits of the budget and the  
23       funds available under section 163, subsection 3, for  
24       the use of Probate Court facilities by the District  
25       Court.

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

27       §157-E. Judge or Active Retired Judge of the Probate  
28       Court to sit in the District Court

29       A Judge or Active Retired Judge of the Probate  
30       Court who has been appointed under section 301-A may  
31       be assigned by the Chief Judge of the District Court  
32       to sit in the District Court. When so directed, the  
33       judge shall have the authority and jurisdiction as if  
34       the judge were a regular judge of the District Court.  
35       Whenever the Chief Judge of the District Court so di-  
36       rects, the judge may hear all matters and issue all  
37       orders, notices, decrees and judgments that any Judge  
38       of the District Court may hear and issue.

39           Sec. 6. 4 MRSA §164, first ¶, as amended by PL  
40       1975, c. 408, §14, is further amended to read;

1           The Chief Judge shall be responsible to and under  
2 the supervision of the Chief Justice of the Supreme  
3 Judicial Court for the operation of the District  
4 Court and the Probate Court as established under section  
5 301-A and shall serve as Chief Judge at the  
6 pleasure of the Chief Justice. To this end the Chief  
7 Judge shall:

8           **Sec. 7. 4 MRSA §164, sub-§5-A** is enacted to  
9 read:

10           **5-A. Assign Probate Court judges.** Assign Pro-  
11 bate Court judges appointed under section 301-A to  
12 hear probate cases and other cases as directed under  
13 section 152-A, subsection 3;

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

16           **16. Development and implementation of adminis-**  
17 trative concepts. The Chief Judge shall carry  
18 on a continuous survey and study of the organization,  
19 operation, condition of business, practice and proced-  
20 ure of the District Court and the Probate Court, as  
21 established under section 301-A, and make recommenda-  
22 tions to the Chief Justice of the Supreme Judicial  
23 Court concerning the number of judges and other per-  
24 sonnel required for the efficient administration of  
25 justice and examine, with the advice of the judges of  
26 the District Court and the Probate Court, as estab-  
27 lished under section 301-A, the status of dockets of  
28 the various District Courts and the Probate Courts,  
29 as established under section 301-A, so as to deter-  
30 mine whether the business of the court is being car-  
31 ried out in an efficient manner. From such examina-  
32 tion, the Chief Judge shall annually make recommenda-  
33 tions to the Chief Justice of the Supreme Judicial  
34 Court for guidelines and policies for the scheduling  
35 and trial of matters before the District Court and  
36 the Probate Court, as established under section  
37 301-A. In providing such recommendations, the Chief  
38 Judge shall give due and appropriate regard to the  
39 recommendations of the judges and other personnel of  
40 the District Court and the Probate Court, as estab-  
41 lished under section 301-A, and shall provide a mech-  
42 anism whereby their individual recommendations and  
43 comments may be brought to the attention of the Chief



1 Justice. The Chief Judge, in advising as to the ap-  
2 propriateness of the methods or the systems for  
3 scheduling trials and the management of matters be-  
4 fore the District Court and the Probate Court, as es-  
5 tablished under section 301-A, shall take into con-  
6 sideration systems and methods operational in the Su-  
7 perior Court. The final decision as to the management  
8 of personnel and the implementation of guidelines,  
9 policies and procedures for the scheduling of trials  
10 and management of matters before the District Court  
11 and the Probate Court, as established under section  
12 301-A, shall be made by the Chief Justice only after  
13 consultation with the Chief Judge.

14 Sec. 9. 4 MRSA §173, sub-§4, as amended by PL  
15 1983, c. 742, is further amended to read:

16 4. Distribution of fees and fines. All law en-  
17 forcement officers appearing for a scheduled trial in  
18 District Court at times other than their regular  
19 working hours, at the order of a prosecuting official  
20 and whether or not they are called upon to give tes-  
21 timony, shall be compensated out of the General Fund  
22 on an hourly basis equal to that established by the  
23 State for their range and step level.

24 The court shall pay any municipality a flat fee of  
25 \$20 for each day or part thereof that a municipal law  
26 enforcement officer, designated by the municipality  
27 as its court officer, is required to be physically  
28 present in a District Court in order to adequately  
29 handle such municipality's caseload. In addition, the  
30 court shall pay any municipality a flat fee of \$20  
31 per day for every day or part thereof, but no more  
32 than \$20 for any one day, such municipality loses the  
33 services of one or more law enforcement officers be-  
34 cause such officer or officers are performing some  
35 act authorized or required by a District Court Rule  
36 of Criminal Procedure or is a witness in a criminal  
37 or traffic infraction case within the jurisdiction of  
38 the District Court. A municipality shall be deemed to  
39 have lost the services of a law enforcement officer  
40 when such officer, who normally performs duties of  
41 patrolling or maintaining order, is physically unable  
42 to perform those duties of patrolling and maintaining  
43 order for such municipality.

1 The sheriffs of the several counties shall designate  
2 and furnish deputy sheriffs to serve as bailiffs in  
3 each division of the District Court and in each re-  
4 gion of the Probate Court, as established under sec-  
5 tion 301-A, within their counties, if so requested by  
6 the Chief Judge. Compensation for such service shall  
7 be paid by the District Court.

8 ~~Compensation for such service shall be paid by the~~  
9 ~~District Court.~~

10 In those municipalities where a police officer has  
11 been furnished heretofore to serve as a bailiff, the  
12 Chief Judge may continue to authorize the use of a  
13 police officer as a bailiff and the municipality  
14 shall be compensated therefor by the District Court.  
15 A person now appointed to serve as bailiff may not  
16 serve as court officer for a municipal police depart-  
17 ment, as provided in this subsection.

18 Sec. 10. 4 MRS A §251 is amended to read:

19 § 251. General jurisdiction

20 Each judge may take the probate of wills and  
21 grant letters testamentary or of administration on  
22 the estates of all deceased persons who, at the time  
23 of their death, where were inhabitants or residents  
24 of his this county or who, not being residents of the  
25 State, died leaving estate to be administered in his  
26 this county, or whose estate is afterwards found  
27 therein; and has jurisdiction of all matters relating  
28 to the settlement of such estates. He may grant leave  
29 to adopt children, change the names of persons these  
30 children, appoint guardians for minors and others ac-  
31 cording to law, and has jurisdiction as to persons  
32 under guardianship, and as to whatever else is con-  
33 ferred on him by law.

34 Sec. 11. 4 MRS A §301, as amended by PL 1981, c.  
35 40, §1, is further amended to read:

36 § 301. Terms; salary

37 Judges of probate are elected or appointed as  
38 provided in the Constitution. Only attorneys at law  
39 admitted to the general practice of law in this State

1 and resident therein may be elected or appointed as  
2 judges of probate. ~~Their election is effected and de-~~  
3 ~~termined as is provided respecting county commis-~~  
4 ~~sioners; and they enter upon the discharge of their du-~~  
5 ~~ties on the first day of January following, but, when~~  
6 ~~appointed to fill vacancies, their terms commence on~~  
7 ~~their appointment.~~

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

11 The fees to which judges of probate and registers  
12 of probate are entitled by law shall be taxed and  
13 collected and paid over by the registers of probate  
14 to the county treasurers by the 15th day of every  
15 month following the month in which they were col-  
16 lected for the use of their counties with the excep-  
17 tion of the fees provided in section 304, which shall  
18 be retained by the judge who collects the same in ad-  
19 dition to his salary.

20 Except as otherwise provided in this paragraph,  
21 the fees to which registers of probate are entitled  
22 under Title 18-A, section 1-602, subsections (2) and  
23 (5) to (8) and Title 19, sections 61 and 531 shall be  
24 taxed, collected and paid by the registers of probate  
25 to the Treasurer of State by the 15th day of every  
26 month following the month in which they were col-  
27 lected. Each register of probate shall retain from  
28 these fees and pay to the county treasurer an amount  
29 equal to the amount the register would have collected  
30 under the fees in effect on January 1, 1987, in Title  
31 18-A, section 1-602, subsections (2) and (5) to (8)  
32 and Title 19, sections 61 and 531. The Treasurer of  
33 State shall credit all revenue received under this  
34 section to the General Fund.

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

36 §301-A. Full-time, appointed Probate Court judges;  
37 regions; salaries

38 1. Full-time Probate judges. There is estab-  
39 lished a Probate Court system for the State with  
40 full-time, appointed Probate Court judges. The Pro-  
41 bate Court judges appointed under this section shall

1 be members of the Judicial Department and subject to  
2 supervision under sections 1, 152-A, 152-B, 157-E and  
3 164. Each Probate Court judge appointed under this  
4 section shall have a term of office of 7 years.

5 This section effectuates the repeal of the Constitu-  
6 tion of Maine, Article VI, Section 6, as provided in  
7 Resolves 1967, chapter 77. Elected Judges of Probate  
8 whose terms expire on January 1, 1989, and January 1,  
9 1991, may complete these terms though the Constitu-  
10 tion of Maine, Article VI, Section 6, is repealed  
11 when this section becomes effective. A vacancy oc-  
12 curring in any of these offices, prior to the expira-  
13 tion of the officeholder's term, by death, resigna-  
14 tion or otherwise, shall be filled by the Governor by  
15 appointment, and the person so appointed shall serve  
16 in the manner of an elected officeholder until the  
17 expiration of the term of the officeholder is re-  
18 placed.

19 2. Appointment. Probate Court judges shall be  
20 appointed as follows.

21 A. The Governor, subject to review by the joint  
22 standing committee of the Legislature having ju-  
23 risdiction over judiciary and to confirmation by  
24 the Legislature, shall appoint to the Probate  
25 Court so that they may begin their terms on Janu-  
26 ary 1, 1989, 3 judges, one to serve each of the  
27 following regions from January 1, 1989, to Decem-  
28 ber 31, 1990:

29 (1) Region 1 consisting of Sagadahoc Coun-  
30 ty, Lincoln County, Knox County and Waldo  
31 County;

32 (2) Region 2 consisting of Oxford County,  
33 Somerset County and Piscataquis County; and

34 (3) Region 3 consisting of Aroostook County  
35 and Washington County.

36 If the Legislature fails to confirm any appoint-  
37 ment under this paragraph prior to January 1,  
38 1989, the elected probate judge whose term ex-  
39 pires on January 1, 1989, shall continue to hold  
40 office, in any county for which no appointment

1 has been confirmed, for 3 months or until the ap-  
2 pointment of a judge under this paragraph is com-  
3 pleted, whichever occurs first. An elected pro-  
4 bate judge continuing in office under this para-  
5 graph shall continue to receive compensation from  
6 the county he is serving as probate judge until  
7 an appointed Probate Court judge takes office for  
8 the county under this paragraph.

9 B. Beginning on January 1, 1991, and thereafter,  
10 the Probate Court judges appointed under para-  
11 graph A shall serve the following regions in the  
12 following manner.

13 (1) The judge appointed to serve Region 1  
14 in paragraph A, shall serve a region 1 con-  
15 sisting of Cumberland County and Sagadahoc  
16 County.

17 (2) The judge appointed to serve Region 2  
18 in paragraph A shall serve a region 3 con-  
19 sisting of Kennebec County, Androscoggin  
20 County and Lincoln County.

21 (3) The judge appointed to serve Region 3  
22 in paragraph A shall serve a region 5 con-  
23 sisting of Aroostook County and Penobscot  
24 County.

25 C. The Governor, subject to review by the joint  
26 standing committee of the Legislature having ju-  
27 risdiction over judiciary and to confirmation by  
28 the Legislature, shall appoint to the Probate  
29 Court after January 7, 1989, so that they may be-  
30 gin their terms on January 1, 1991, 3 judges, one  
31 to serve each of the following regions:

32 (1) Region 2 consisting of York County and  
33 Oxford County;

34 (2) Region 4 consisting of Waldo County,  
35 Knox County, Hancock County and Washington  
36 County; and

37 (3) Region 6 consisting of Franklin County,  
38 Somerset County and Piscataquis County.

1 If the Legislature fails to confirm any appoint-  
2 ment under this paragraph prior to January 1,  
3 1991, the elected probate judge whose term ex-  
4 pires on January 1, 1989, shall continue to hold  
5 office, in any county for which no appointment  
6 has been confirmed, for 3 months or until the ap-  
7 pointment of a judge under this paragraph is com-  
8 pleted, whichever occurs first. An elected pro-  
9 bate judge continuing in office under this para-  
10 graph shall continue to receive compensation from  
11 the county he is serving as probate judge until  
12 an appointed Probate Court judge takes office for  
13 the county under this paragraph.

14 D. In appointing Probate Court judges under this  
15 subsection, the Governor shall appoint persons  
16 who are residents of the region they are ap-  
17 pointed to serve as those regions will be consti-  
18 tuted on January 1, 1991, under subsection 2.

19 3. Regions. On and after January 1, 1991, the  
20 State is divided into 6 probate regions with one Pro-  
21 bate Court judge serving each region as described in  
22 subsection 1:

23 A. Region 1 consisting of Cumberland County and  
24 Sagadahoc County;

25 B. Region 2 consisting of York County and Oxford  
26 County;

27 C. Region 3 consisting of Kennebec County,  
28 Androscoggin County and Lincoln County;

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

31 E. Region 5 consisting of Aroostook County and  
32 Penobscot County; and

33 F. Region 6 consisting of Franklin County,  
34 Somerset County and Piscataquis County.

35 4. Salaries. The Probate Court judges appointed  
36 under this section shall receive salaries equal to  
37 those and following the periods for District Court  
38 Judges established in section 157, subsection 4.

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

2           §301-B. Active retired judges

3           Any judge of the Probate Court appointed under  
4 section 301-A, who retires or terminates his service  
5 on the court in accordance with chapter 27, except  
6 for a disability retirement, is eligible for appoint-  
7 ment as an Active Retired Judge of the Probate Court.  
8 The Governor, subject to review by the joint standing  
9 committee of the Legislature having jurisdiction over  
10 judiciary and to confirmation by the Legislature, may  
11 appoint any eligible judge as an Active Retired Judge  
12 of the Probate Court for a term of 7 years, unless  
13 sooner removed. That judge may be reappointed for a  
14 like term. Any judge so appointed and designated  
15 shall thereupon constitute a part of the court from  
16 which he has retired and shall have the same juris-  
17 diction and be subject to the same restrictions  
18 therein as before retirement, except that he shall  
19 act only in the cases and matters and hold court only  
20 at the terms and times as he may be directed and as-  
21 signed to by the Chief Judge of the District Court.  
22 Any Active Retired Judge of the Probate Court may be  
23 directed by the Chief Judge to hold any session of  
24 the Probate Court in any region and when so directed  
25 shall have authority and jurisdiction the same as if  
26 he were the regular judge of that court. Whenever  
27 the Chief Judge of the District Court so orders, that  
28 judge may hear all matters and issue all orders, no-  
29 tices, decrees and judgments that any judge of that  
30 Probate Court may hear and issue. An Active Retired  
31 Judge shall receive reimbursement for his expenses  
32 actually and reasonably incurred in the performance  
33 of his duties. An Active Retired Judge of the Pro-  
34 bate Court shall receive the same compensation as an  
35 Active Retired Judge of the District Court under sec-  
36 tion 157-D.

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

38           §302. Officers execute processes

39           Sheriffs, their deputies and constables shall ex-  
40 ecute all legal processes directed to them by any  
41 such judge of probate who may,--when--necessary,--re-  
42 quire--such--officer,--when--not--in--attendance--upon--any

1 other court, to attend during the sitting of the pro-  
2 bate court, for which he shall be paid as in other  
3 courts for similar services.

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

5           §304. Equity and contested cases; time and place of  
6           hearing

7           Judges Elected judges of probate may hold hear-  
8           ings for matters in equity and contested cases at  
9           such time and place in the county as the elected  
10           judge of probate may appoint and. Probate Court  
11           judges appointed under section 301-A may hold hear-  
12           ings in equity and contested cases at such time and  
13           place in the county as the Chief Judge of the Dis-  
14           trict Court may appoint. Judges of Probate may make  
15           all necessary orders and decrees relating thereto,  
16           and when hearings are held at other places than those  
17           fixed for holding the regular terms of court, the  
18           elected judge shall be allowed, in addition to his  
19           regular salary, \$5 per day and actual expenses which  
20           shall be paid by the State unless otherwise provided  
21           by law.

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

24           §305. Term of Fort Kent and Caribou Probate Court

25           The elected judge of probate in and for the Coun-  
26           ty of Aroostook shall hold a court of probate at  
27           least twice in each year at Fort Kent and at least 4  
28           times each year at Caribou in the county. The time  
29           for holding the court shall be appointed by the judge  
30           and made known by public notification as provided in  
31           section 303.

32           **Sec. 17.** 4 MRSA §306, as amended by PL 1965, c.  
33 513, §5-A, is further amended to read:

34           §306. Interchange of judicial duties; expenses

35           During the sickness, absence from the State or  
36           inability of any elected judge of probate to hold the  
37           regular terms of his court, such terms, at his re-  
38           quest or that of the register of the county, may be



1 held by the judge of any other county. The elected  
2 judges may interchange service or perform each oth-  
3 ers' duties when they find it necessary or conve-  
4 nient, and in case of a vacancy in the office of a an  
5 elected judge, all necessary terms of the probate  
6 court for the county may, at the request of the reg-  
7 ister, be held by the judge of another county until  
8 the vacancy is filled. The orders, decrees and deci-  
9 sions of the judge holding such terms have the same  
10 force and validity as if made by the judge of the  
11 county in which such terms are held.

12 When any elected judge of probate holds court or  
13 a hearing in any probate matter, or in equity, in any  
14 county other than the one in which he resides, such  
15 judge shall be reimbursed by the county in which such  
16 court or hearing is held for his expenses actually  
17 and reasonably incurred, upon presentation to the  
18 county commissioners of said the county of a detailed  
19 statement of such expenses.

20 **Sec. 18. 4 MRSA §451, as amended by PL 1985, c.**  
21 **779, §6, is further amended to read:**

22 §451. Establishment

23 A Judicial Council, as established by Title 5,  
24 section 12004, subsection 10, shall make a continuous  
25 study of the organization, rules and methods of pro-  
26 cedure and practice of the judicial system of the  
27 State, the work accomplished and the results produced  
28 by that system and its various parts. The council  
29 shall be composed of the Chief Justice of the Supreme  
30 Judicial Court, who shall also serve as chairman, the  
31 Attorney General, the Chief Justice of the Superior  
32 Court, the Chief Judge of the District Court, and the  
33 Dean of the University of Maine System School of Law,  
34 each to serve ex officio, and an Active or Retired  
35 Justice of the Supreme Judicial Court, one Justice of  
36 the Superior Court, one Judge of the District Court,  
37 one elected Judge of a Probate Court, one appointed  
38 Judge of the Probate Court after January 1, 1989, one  
39 clerk of the judicial courts, 2 members of the bar  
40 and 6 laymen, to be appointed by the Governor. The  
41 appointments by the Governor shall be for such peri-  
42 ods, not exceeding 4 years, as he shall determine.

1           **Sec. 19.** 4 MRSA §1201, sub-§12, as enacted by PL  
2 1983, c. 853, Pt. C, §§15 and 18, is amended to read:

3           12. Judge. "Judge" means a Justice of the Su-  
4 preme Judicial Court or the Superior Court, any Judge  
5 of the District Court, any Probate Court judge ap-  
6 pointed under section 301-A, any Administrative Court  
7 Judge or any Associate Administrative Court Judge who  
8 is actively serving as of December 1, 1984, or who is  
9 appointed subsequent to December 1, 1984, but does  
10 not include Active Retired Judges.

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

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

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

18 §8003. Filing and status of foreign judgments

19           A copy of any foreign judgment authenticated in  
20 accordance with the Act of Congress or the statutes  
21 of this State may be filed in the office of the clerk  
22 of any District Court or of any Superior Court of  
23 this State, except that a copy of a foreign judgment  
24 pertaining to the subject matter of the actions de-  
25 scribed in Title 4, section 152, subsection 4, para-  
26 graphs A to V must, if filed, be filed in the Dis-  
27 trict Court. The clerk shall treat the foreign judg-  
28 ment in the same manner as a judgment of the District  
29 Court or Superior Court of this State. A judgment so  
30 filed has the same effect and is subject to the same  
31 procedures, defenses and proceedings for reopening,  
32 vacating or staying as a judgment of the District  
33 Court or the Superior Court of this State and may be  
34 enforced or satisfied in like manner.

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

37           15. Family Court. "~~Juvenile~~ Family Court" means  
38 the District Court exercising the jurisdiction con-  
39 ferred by section 3101.

1           **Sec. 23. 15 MRSA §3101, sub-§1, as amended by PL**  
2           **1979, c. 681, §38, is further amended to read:**

3           **1. District Court as Family Court.** The District  
4           Court shall exercise the jurisdiction conferred by  
5           this Part and, when exercising such jurisdiction,  
6           shall be known and referred to as the Juvenile Family  
7           Court.

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

10           **E. Juvenile Family Courts** shall have jurisdic-  
11           tion concurrent with the District Courts over pe-  
12           titions for emancipation brought under section  
13           3506-A.

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

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

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

22           Registers of probate ~~are shall be elected or--ap-~~  
23           ~~pointed-as-provided-in-the-Constitution by the people~~  
24           of their respective counties, by a plurality of the  
25           votes given in, at the biennial election on the Tues-  
26           day following the first Monday of November, and shall  
27           hold their offices for 4 years, commencing on the  
28           first day of January next after their elections. Va-  
29           cancies occurring in these offices by death, resigna-  
30           tion or otherwise, shall be filled by election as in  
31           this paragraph at the November election, next after  
32           their occurrence. In the meantime, the Governor may  
33           fill these vacancies by appointment and the persons  
34           so appointed shall hold their offices until the first  
35           day of January next after the election. ~~Their~~ The  
36           election of a register of probate is effected and de-  
37           termined as is provided respecting county commission-  
38           ers by Title 30, chapter 1, and they enter--upon--the  
39           discharge-of-their-duties-on-the-first-day-of-January  
40           following;--but--the--term-of-these-appointed-to-fill

1 ~~vacancies-commences-immediately.~~ All registers, be-  
2 fore acting, shall give bond to the treasurer of  
3 their county with sufficient sureties in the sum of  
4 \$2,500, except that this sum shall be \$10,000 for  
5 Cumberland County. Every register, having executed  
6 such bond, shall file it in the office of the clerk  
7 of the county commissioners of his county, to be pre-  
8 sented to them at their next meeting for approval.  
9 After the bond has been so approved, the clerk shall  
10 record it and certify the fact thereon, and retaining  
11 a copy thereof, deliver the original to the register,  
12 who shall deliver it to the treasurer of the county  
13 within 10 days after its approval, to be filed in his  
14 office.

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

18 (2) For receiving and entering each petition to  
19 probate a will, including foreign wills, and each  
20 petition for the administration of an estate in  
21 intestacy when the value of the estate is:

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

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

24 (iii) \$10,001 to \$20,000, \$60;

25 (iv) \$20,001 to \$30,000, \$70;

26 (v) \$30,001 to \$40,000, \$80;

27 (vi) \$40,001 to \$50,000, \$90;

28 (vii) \$50,001 to \$75,000, \$115;

29 (viii) \$75,001 to \$150,000, \$200;

30 (ix) \$150,001 to \$250,000, \$300;

31 (x) \$250,001 to \$500,000, \$500;

32 (xi) \$500,001 to \$750,000, \$750; or

33 (xii) More than \$750,000, 1/10th of 1% of  
34 the value of the estate.

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

3       (5) For filing a petition for appointment as  
4 guardian or conservator, or for other protective  
5 proceedings, \$5 \$20.

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

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

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

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

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

15       **Sec. 31.** 18-A MRSA §1-603, as amended by PL  
16 1981, c. 40, §3, is further amended to read:

17 §1-603. Registers to account monthly for fees

18       Registers of probate shall account for each cal-  
19 endar month under oath to the county treasurers or  
20 the Treasurer of State, as provided in Title 4, sec-  
21 tion 301, for all fees received by them or payable to  
22 them by virtue of the office, specifying the items,  
23 and shall pay the whole amount for each calendar  
24 month to the treasurers of their respective counties  
25 or the Treasurer of State, as applicable, not later  
26 than the 15th day of the following month.

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

29       (a) The Except as provided in section 5-310, the  
30 court has exclusive jurisdiction over guardianship  
31 proceedings and has jurisdiction over protective pro-  
32 ceedings to the extent provided in section 5-402.

33       **Sec. 33.** 18-A MRSA §5-310, 2nd ¶, as enacted by  
34 PL 1983, c. 620, is amended to read:

1 A petition for temporary guardianship may be  
2 brought before any judge or any District Court judge  
3 of the division in which venue properly lies if the  
4 judge of the county in which venue properly lies is  
5 unavailable. If a judge or District Court judge,  
6 other than the judge of the county in which venue  
7 properly lies, acts on a petition for temporary  
8 guardianship, he shall issue a written order and  
9 shall endorse upon it the date and time of the order.  
10 He shall then forthwith transmit or cause to be  
11 transmitted that order to the register of the county  
12 in which venue properly lies. Any order issued by a  
13 District Court judge or a judge of a county, other  
14 than the county in which venue properly lies, shall  
15 be deemed to have been entered in the docket on the  
16 date and at the time endorsed upon it.

17 Sec. 34. 19 MRSA §61, 2nd ¶, as amended by PL  
18 1983, c. 686, §1, is further amended to read:

19 Upon application by both of the parties to an in-  
20 tended marriage, when both parties are residents of  
21 this State or both parties are nonresidents, or upon  
22 application of the party residing within the State  
23 when one of the parties is a resident and the other a  
24 nonresident, and upon the payment of a filing fee of  
25 ~~\$10, payable to the Probate, Supreme Judicial, Super-~~  
26 ~~rior or District Court,~~ \$40, a Judge of the District  
27 Court or, if a District Court judge is unavailable, a  
28 judge of probate, or a Justice of the Supreme Judi-  
29 cial or Superior Court ~~or a Judge of the District~~  
30 ~~Court~~ may, after hearing such evidence as is pre-  
31 sented, grant a certificate stating that in his opin-  
32 ion it is expedient that the intended marriage be  
33 solemnized without delay. Upon the presentation of  
34 such a certificate or a copy thereof certified by the  
35 clerk of the court by which the certificate was is-  
36 sued, or in extraordinary or emergency cases when the  
37 death of either party is imminent, upon the authori-  
38 tative request of a minister, clergyman, priest, rab-  
39 bi or attending physician, the clerk or registrar of  
40 the city or town in which the intention to be joined  
41 in marriage has been filed shall at once issue the  
42 certificate as prescribed in this section.

43 Sec. 35. 19 MRSA §62, as amended by PL 1983, c.  
44 686, §2, is further amended to read:

1     §62. Certificate

2           On and after the 3rd day from the filing of no-  
3     tice of intentions of marriage, except as otherwise  
4     provided, the clerk shall deliver to the parties a  
5     certificate specifying the time when such intentions  
6     were entered with him. It shall be delivered to the  
7     minister or magistrate before he begins to solemnize  
8     the marriage, which shall be performed in the pres-  
9     ence of at least 2 witnesses besides the clergyman or  
10    magistrate officiating. No such certificate may be  
11    issued to a male under 18 or to a female under 18  
12    years of age, without the written consent of their  
13    parents, guardians or persons to whom a court has  
14    given custody of such minors first presented, if they  
15    have any living. In the absence of persons qualified  
16    to give consent, the a Judge of Probate the District  
17    Court in the county division where such the minors  
18    reside may, after notice and hearing, grant consent.  
19    When 2 licenses are required and when either or both  
20    applicants for a marriage license are under the ages  
21    specified in this section, the written consent shall  
22    be given for the issuance of both licenses and such  
23    written consent shall be given in the presence of the  
24    clerk issuing the license or by acknowledgment under  
25    seal filed with such the clerk. No certificate may  
26    be issued to a person under 16 years of age without  
27    the written consent of that minor's parents, guardi-  
28    ans, or persons to whom a court has given custody of  
29    that minor first presented, if the minor has any liv-  
30    ing, and without that clerk, having notified the a  
31    Judge of Probate the District Court in the county  
32    division in which the minor resides of the filing of  
33    these intentions, and having received in writing the  
34    consent from the judge to issue the certificate. If  
35    no written consent from the judge has been received  
36    by the 10th day from the filing of notice of inten-  
37    tions of marriage, consent shall be deemed to have  
38    been received, and the clerk shall issue the certifi-  
39    cate. The Judge of Probate the District Court may, in  
40    the interest of public welfare, order that no such  
41    certificate shall be issued. Any certificate is void  
42    if not used within 60 days from the day the inten-  
43    tions are filed in the office of the municipal  
44    clerks. Whoever contracts a marriage or makes false  
45    representations to procure the certificate provided  
46    for above or the solemnization of marriage contrary

1 to this chapter shall forfeit \$100. The clerk of any  
2 town or his deputy who intentionally violates this  
3 section or falsely states the residence of either  
4 party named in the certificate shall forfeit \$20 for  
5 each offense.

6 **Sec. 36. 19 MRSA §92, as amended by PL 1977, c.**  
7 **479, §2, is further amended to read:**

8 §92. Filing of cautions

9 Any person, believing that parties are about to  
10 contract marriage when either of them cannot lawfully  
11 do so, may file a caution and the reasons therefor in  
12 the office of the clerk where notice of their inten-  
13 tions should be filed. Then, if either party applies  
14 to enter such notice, the clerk shall withhold the  
15 certificate until a decision is made by the ~~probate~~  
16 ~~court-judge~~ Judge of the District Court from the  
17 county division involved, approving the marriage, af-  
18 ter due notice to and hearing all concerned, provided  
19 the person filing the caution shall within 7 days  
20 thereafter procure the decision of ~~such-probate-court~~  
21 the judge unless he certifies that further time is  
22 necessary for the purpose. In such case a certifi-  
23 cate shall be withheld until the expiration of the  
24 certified time. He shall, finally, deliver or with-  
25 hold the certificate in accordance with the final de-  
26 cision of ~~said the~~ judge. If the decision is against  
27 the sufficiency, the judge shall enter judgment  
28 against the applicant for costs, and issue execution  
29 therefor.

30 **Sec. 37. 19 MRSA §214, sub-§3, as enacted by PL**  
31 **1983, c. 813, §1, is amended to read:**

32 3. Jurisdiction. If the father and mother of a  
33 minor child are living apart, the ~~Probate-Court, Su-~~  
34 ~~perior-Court-or~~ District Court in the ~~county-or~~ divi-  
35 sion where either resides, on complaint of either and  
36 after such notice to the other as the court may or-  
37 der, may make an order awarding parental rights and  
38 responsibilities with respect to the child. Begin-  
39 ning on July 1, 1990, the fee for filing the com-  
40 plaint shall be \$65.



1 The right to file a complaint shall not be denied any  
2 person for failure to meet any residency requirement  
3 if the person is a member of the Armed Forces of the  
4 United States on active duty stationed in this State  
5 or a parent of a child of such a member. Such a mem-  
6 ber shall be deemed to be a resident either of the  
7 county division in which the military installation or  
8 installations, or other place at which he has been  
9 stationed, is located or of the county division in  
10 which he has sojourned.

11 The jurisdiction granted by this section shall be  
12 limited by the Uniform Child Custody Jurisdiction  
13 Act, sections 801 to 825, if another state may have  
14 jurisdiction as provided in that Act.

15 **Sec. 38.** 19 MRSA §275, as enacted by PL 1967, c.  
16 325, §2 is amended to read:

17 §275. Remedies

18 The ~~Superior~~-~~or~~ District Court has jurisdiction  
19 of an action under this subchapter, except when a ju-  
20 ry trial is requested under section 276, and all reme-  
21 di- es for the enforcement of judgments for expenses  
22 of pregnancy and confinement for a wife or for educa-  
23 tion, necessary support or funeral expenses for le-  
24 gitimate children apply. The court has continuing ju-  
25 ris- diction to modify or revoke a judgment for future  
26 edu- cation and necessary support. All remedies under  
27 the Uniform Reciprocal Enforcement of Support Act are  
28 available for enforcement of duties of support under  
29 this subchapter.

30 **Sec. 39.** 19 MRSA §301, sub-§1, as enacted by PL  
31 1979, c. 668, §3, is amended to read:

32 1. Petition. If a parent, spouse or child reside  
33 resides in this State, the parent or spouse, a guard-  
34 ian or a municipality providing maintenance may peti-  
35 tion the ~~Superior~~, District ~~or~~-~~Probate~~ Court to order  
36 a nonsupporting parent or spouse to contribute to the  
37 support of his spouse or child. The petition may be  
38 brought in the court in the ~~county--or--district~~  
39 division where the parent, spouse or child reside  
40 resides or in the ~~county--or--district~~ division in

1 which the nonsupporting parent or spouse may be  
2 found.

3 **Sec. 40.** 19 MRSA §332, sub-§1, as amended by PL  
4 1971, c. 393, §1, is further amended to read:

5 1. Court. "Court" means the Superior Court or  
6 the District Court of this State and when the context  
7 requires means the court of any other state as de-  
8 fined in a substantially similar reciprocal law.

9 **Sec. 41.** 19 MRSA §393, as amended by PL 1971, c.  
10 393, §§5 and 6, is further amended to read:

11 §393. How duties of support enforced

12 All duties of support, including the duty to pay  
13 arrearages, are enforceable by a proceeding under  
14 this Act including the proceeding for civil contempt.  
15 The defense that the parties are immune to suit be-  
16 cause of their relationship as husband and wife or  
17 parent and child is not available to the obligor.  
18 Jurisdiction of all proceedings hereunder shall be  
19 vested in the Superior Court or the District Court.  
20 ~~All proceedings may be commenced and acted upon by~~  
21 ~~the Superior Court in vacation before a single jus-~~  
22 ~~tice as well as in term time or by the District~~  
23 ~~Court.~~

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

26 §402-C. Rules of evidence

27 In any hearing for the civil enforcement of this  
28 Act the court is governed by the rules of evidence  
29 applicable in a civil court action in the Superior or  
30 District Court. If the action is based on a support  
31 order issued by another court, a certified copy of  
32 the order shall be received as evidence of the duty  
33 to support, subject only to any defenses available to  
34 an obligor with respect to paternity under section  
35 411 or to a defendant in an action or a proceeding to  
36 enforce a foreign money judgment. The determination  
37 or enforcement of a duty of support owed to one obli-  
38 gee is unaffected by any interference by another ob-

1 liguee with rights of custody or visitation granted by  
2 a court.

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

4 §445. Jurisdiction

5 The ~~Superior Court and the~~ District Court shall  
6 have jurisdiction of all proceedings brought under  
7 this subchapter.

8 Sec. 44. 19 MRSA §531, as amended by PL 1983, c.  
9 262, §3, is further amended to read:

10 §531. Persons who may adopt

11 Any husband and wife jointly, or any unmarried  
12 person, resident or nonresident of the State, may pe-  
13 tition the Probate Court to adopt a person, regard-  
14 less of age, and for a change of his name. The fee  
15 for filing the petition shall be ~~at least~~ \$30. Jurisdic-  
16 tion to grant the adoption and change of name shall  
17 be in the county where the person to be adopted lives  
18 or the county where the petitioner resides or the pe-  
19 titioners reside or in the county in which the plac-  
20 ing agency having custody of the child is located.

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

23 §584. Petition; notice; fee

24 The petition under section 581 may be brought and  
25 determined in the ~~county or~~ judicial division in  
26 which either of the parties lives, except that if the  
27 petitioner has left the ~~county or~~ judicial division  
28 in which the parties lived together and the respon-  
29 dent still lives therein, the petition shall be  
30 brought in that ~~county or~~ judicial division, and such  
31 notice shall be given ~~thereon~~ as the rules of the  
32 court may provide. The Beginning on July 1, 1990, the  
33 fee for filing such the petition shall be \$5 \$65.

34 The right to bring such the petition shall not be  
35 denied any person for failure to meet any residency  
36 requirement if such the person is a member of the  
37 Armed Forces of the United States on active duty sta-

1 tioned in Maine or a dependent or spouse of such mem-  
2 ber. Such a member shall be deemed to be a resident  
3 either of the county-or judicial division in which  
4 the military installation or installations or other  
5 place at which he has been stationed is located or of  
6 the county--or judicial division in which he has  
7 sojourned.

8           **Sec. 46. 19 MRSA §588**, as amended by PL 1975, c.  
9 540, §37, is further amended to read:

10 §588. Jurisdiction

11           The District Court shall possess original juris-  
12 diction,~~---concurrent---with-the-Superior-Court,~~ of ac-  
13 tions for judicial separation under this chapter.

14           **Sec. 47. 19 MRSA §632**, as amended by PL 1973, c.  
15 479, §4, is further amended to read:

16 §632. Annulment of illegal marriages

17           When the validity of a marriage is doubted, ei-  
18 ther party may file a complaint as for divorce, and  
19 the court shall order it annulled or affirmed accord-  
20 ing to the proof; but no such order affects the  
21 rights of the defendant unless he was actually noti-  
22 fied of the action or answered to the complaint. Be-  
23 ginning July 1, 1990, the fee for filing the com-  
24 plaint shall be \$65. The right to file such a com-  
25 plaint shall not be denied any person for failure to  
26 meet any residency requirement if such the person is  
27 a member of the Armed Forces of the United States on  
28 active duty stationed in Maine or a dependent or  
29 spouse of such a member. Such a member shall be  
30 deemed to be a resident either of the county division  
31 in which the military installation or installations  
32 or other place at which he has been stationed is lo-  
33 cated or of the county division in which he has  
34 sojourned.

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

36 §635. Jurisdiction

37           The District Court shall possess original juris-  
38 diction,~~---concurrent---with-the-Superior-Court,~~ of ac-

1 tions for annulment of marriage under this subchap-  
2 ter.

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

4 §664. Jurisdiction

5 The District Court shall possess original juris-  
6 diction, ~~---concurrent---with---the---Superior---Court,~~ of ac-  
7 tions for divorce under this subchapter.

8 Sec. 50. 19 MRSA §691, sub-§2, as enacted by PL  
9 1977, c. 226, §1, is amended to read:

10 2. Jurisdiction. The ~~Superior-Court-or-the~~ Dis-  
11 trict Court shall have jurisdiction of an action for  
12 divorce if:

13 A. The plaintiff has resided in good faith in  
14 this State for 6 months prior to the commencement  
15 of the action;

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

18 C. The plaintiff is a resident of this State and  
19 the parties resided in this State when the cause  
20 of divorce accrued; or

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

22 Beginning on July 1, 1990, the fee for filing a di-  
23 vorice action shall be \$65.

24 Sec. 51. 19 MRSA §691, last ¶, as enacted by PL  
25 1977, c. 226, §1, is amended to read:

26 Any person serving on active duty in a branch of  
27 the Armed Services of the United States and the  
28 spouse of any such person who was not previously a  
29 citizen of this State and who, at the time of the  
30 commencement of an action for divorce, has been sta-  
31 tioned at a military installation or installations or  
32 other place in this State for 6 months prior to the  
33 commencement of an action for divorce shall for the  
34 purposes hereof be deemed to be a resident in good  
35 faith of this State and either the county division in

1 which the military installation or installations or  
2 other place at which he has been stationed is located  
3 or of the county division in which he has sojourned.

4 **Sec. 52.** 19 MRSA §781, as amended by PL 1983, c.  
5 262, §4, is further amended to read:

6 §781. Petition for name change

7 If a person desires to have his name changed, he  
8 may petition the ~~judge-of-probate~~ Judge of the Dis-  
9 trict Court in the county division where he resides;  
10 or, if he is a minor, his legal custodian may peti-  
11 tion in his behalf, and the judge, after due notice,  
12 may change the name of the person and shall make and  
13 preserve a record thereof. The fee for filing the  
14 petition shall be ~~\$10~~ \$20.

15 **Sec. 53.** 19 MRSA §803, sub-§1-A is enacted to  
16 read:

17 1-A. Court of this State. "Court of this State"  
18 means the District Court or Probate Court, as appli-  
19 cable.

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

22 B. The Probate Court shall have ~~concurrent~~ ju-  
23 risdiction to hear petitions under ~~sections--4032~~  
24 ~~and--4034~~ Title 19, section 533-A. The Probate  
25 Court may transfer a case to the District Court  
26 on the motion of any party or its own motion. The  
27 Probate Court order shall remain in effect unless  
28 modified by the District Court.

29 **Sec. 55.** 30 MRSA §2, sub-§1, ¶A, as repealed and  
30 replaced by PL 1985, c. 799, is amended to read:

31 A. Androscoggin County:

32 (1) Commissioners

33 (a) Chairman \$ 5,550

34 (b) Members 4,750

1	(2) Treasurer	16,050
2	(3) Sheriff	20,664
3	<del>(4) Judge of probate</del>	<del>10,774</del>
4	(5) Register of probate	14,966
5	(6) Register of deeds	16,372

6       **Sec. 56. 30 MRSA §2, sub-§1, ¶B, as repealed and**  
7       **replaced by PL 1985, c. 799, is amended to read:**

8       **B. Aroostook County:**

9	(1) Commissioners	
10	(a) Chairman	\$ 8,983
11	(b) Members	4,620
12	(2) Treasurer	6,930
13	(3) Sheriff	18,850
14	<del>(4) Judge of probate</del>	<del>9,818</del>
15	(5) Register of probate	14,000
16	(6) Register of deeds	
17	(a) Northern District	13,730
18	(b) Southern District	13,730

19       **Sec. 57. 30 MRSA §2, sub-§1, ¶D, as repealed and**  
20       **replaced by PL 1985, c. 799, is amended to read:**

21       **D. Franklin County:**

22	(1) Commissioners	
23	(a) Chairman	\$ 4,401
24	(b) Members	4,174
25	(2) Treasurer	4,555

1	(3) Sheriff	21,873
2	<del>(4) Judge of probate</del>	<del>10,500</del>
3	(5) Register of probate	13,925
4	(6) Register of deeds	15,000

5       **Sec. 58. 30 MRSA §2, sub-§1, ¶E, as repealed and**  
6       **replaced by PL 1985, c. 799, is amended to read:**

7           E. Hancock County:

8	(1) Commissioners	
9	(a) Chairman	\$ 5,933
10	(b) Members	5,491
11	(2) Treasurer	13,728
12	(3) Sheriff	21,626
13	<del>(4) Judge of probate</del>	<del>12,147</del>
14	(5) Register of probate	12,660
15	(6) Register of deeds	13,728

16       **Sec. 59. 30 MRSA §2, sub-§1, ¶F, as repealed and**  
17       **replaced by PL 1985, c. 799, is amended to read:**

18           F. Kennebec County:

19	(1) Commissioners	
20	(a) Chairman	\$ 5,650
21	(b) Members	5,273
22	(2) Treasurer	8,159
23	(3) Sheriff	21,961
24	<del>(4) Judge of probate</del>	<del>13,055</del>
25	(5) Register of probate	15,620



1 (6) Register of deeds 15,620

2 Sec. 60. 30 MRSa §2, sub-§1, ¶G, as repealed and  
3 replaced by PL 1985, c. 799, is amended to read:

4 G. Knox County:

5 (1) Commissioners

	1986	1987	1988	1989
6 (a) District 1	\$ 3,439	\$ 3,611	\$ 3,611	\$ 3,611
7 (b) District 2	3,439	3,439	3,439	3,611
8 (c) District 3	3,439	3,439	3,439	3,611
9 (d) Chairman 10 differential	244	250	250	250

11 (2) Treasurer 5,193 5,453 5,453 5,453

12 (3) Sheriff 19,000 22,500 22,500 22,500

13 ~~(4) Judge of~~  
14 ~~Probate~~ ~~11,700~~ ~~11,700~~ ~~11,700~~ ~~11,700~~

15 (5) Register of  
16 Probate 11,850 11,850 11,850 15,000

17 (6) Register of  
18 Deeds 13,304 15,000 15,000 15,000  
19

20 Sec. 61. 30 MRSa §2, sub-§1, ¶H, as repealed and  
21 replaced by PL 1985, c. 799, is amended to read:

22 H. Lincoln County:

23 (1) Commissioners

24 (a) Chairman \$ 5,040

25 (b) Members 4,300

26 (2) Treasurer 4,935

27 (3) Sheriff 23,364

1	<del>(4) Judge of probate</del>	<del>11,340</del>
2	(5) Register of probate	14,430
3	(6) Register of deeds	18,428

4       **Sec. 62. 30 MRSA §2, sub-§1, ¶I,** as repealed and  
5 replaced by PL 1985, c. 799, is amended to read:

6           I. Oxford County:

7	(1) Commissioners	
8	(a) Chairman	\$ 5,002
9	(b) Members	4,557
10	(2) Treasurer	6,024
11	(3) Sheriff	21,680
12	<del>(4) Judge of probate</del>	<del>12,557</del>
13	(5) Register of probate	14,352
14	(6) Register of deeds	
15	(a) Eastern District	14,768
16	(b) Western District	11,024

17       **Sec. 63. 30 MRSA §2, sub-§1, ¶J,** as repealed and  
18 replaced by PL 1985, c. 799, is amended to read:

19           J. Penobscot County:

20	(1) Commissioners	
21	(a) Chairman	\$ 6,968
22	(b) Members	6,656
23	(2) Treasurer	2,704
24	(3) Sheriff	22,065
25	<del>(4) Judge of probate</del>	<del>18,441</del>



1 replaced by PL 1985, c. 799, is amended to read:

2 M. Somerset County:

- 3 (1) Commissioners
- 4 (a) Chairman \$ 4,091
- 5 (b) Members 3,506
- 6 (2) Treasurer 8,429
- 7 (3) Sheriff 23,100
- 8 ~~(4) Judge of probate ----- 13,498~~
- 9 (5) Register of probate 14,235
- 10 (6) Register of deeds 13,573

11 Sec. 67. 30 MRSA §2, sub-§1, ¶O, as repealed and  
12 replaced by PL 1985, c. 799, is amended to read:

13 O. Washington County:

- 14 (1) Commissioners
- 15 (a) Chairman \$ 4,685
- 16 (b) Members 3,905
- 17 (2) Treasurer 15,000
- 18 (3) Sheriff 21,316
- 19 ~~(4) Judge of probate ----- 13,302~~
- 20 (5) Register of probate 13,169
- 21 (6) Register of deeds 13,169

22 Sec. 68. 30 MRSA §2, sub-§1, ¶P, as repealed and  
23 replaced by PL 1985, c. 799, is amended to read:

24 P. York County:

- 25 (1) Commissioners, in accordance with sec-

1 tion 202 the commissioners do not receive an  
2 annual salary.

3	(2) Treasurer	\$ 3,710
4	(3) Sheriff	24,000
5	<del>(4) Judge of Probate</del>	<del>11,130</del>
6	(5) Register of Probate	15,471
7	(6) Register of Deeds	16,695

8 **Sec. 69.** 34-A MRSA §9003, sub-§1, as enacted by  
9 PL 1983, c. 459, §6, is repealed and the following  
10 enacted in its place:

11 1. Court. "Court" means the District Court;

12 **Sec. 70.** 34-B MRSA §3863, sub-§3, as enacted by  
13 PL 1983, c. 459, §7, is amended to read:

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

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

23 B. No person may be held against his will in the  
24 hospital under this section, whether informally  
25 admitted under section 3831 or sought to be in-  
26 voluntarily admitted under this section, unless  
27 the application and certificate have been en-  
28 dorsed by a judge or justice, except that a per-  
29 son for whom an examiner has executed the certifi-  
30 cate under subsection 2 may be detained in a  
31 hospital for a reasonable period of time, not to  
32 exceed 18 hours, pending endorsement by a judge  
33 or justice, if:

34 (1) For a person informally admitted under  
35 section 3831, the chief administrative offi-

1 cer of the hospital undertakes to secure the  
2 endorsement forthwith upon execution of the  
3 certificate by the examiner; and

4 (2) For a person sought to be involuntarily  
5 admitted under this section, the person or  
6 persons transporting him to the hospital un-  
7 dertake to secure the endorsement forthwith  
8 upon execution of the certificate by the ex-  
9 aminer.

10 Sec. 71. 34-B MRSA §5477, sub-§4, ¶C, as enacted  
11 by PL 1983, c. 459, §7, is amended to read:

12 C. The application and accompanying certificate  
13 shall be reviewed by a ~~Justice of the Superior~~  
14 ~~Court~~, a Judge of the District Court or, if a  
15 District Court judge is not available, by a Jus-  
16 tice of the Superior Court, a Judge of Probate or  
17 a complaint justice.

18 (1) If the judge or justice finds the ap-  
19 plication and accompanying certificate to be  
20 regular and in accordance with the law, he  
21 shall endorse them.

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

35 Sec. 72. Report. On or before January 1, 1992,  
36 the Judicial Council shall report to the Legislature  
37 on the functioning of the District Court as a Family  
38 Court and on the utilization of appointed Probate  
39 Court Judges for probate cases and other cases within  
40 the District Court.



1 Court is to develop a family case data system. All  
2 court facilities of the State are to be available for  
3 the scheduling of the hearing of family cases, sub-  
4 ject to the requirement that the District Court must  
5 negotiate with a county for the use of its Probate  
6 Court facilities for nonprobate cases. The Family  
7 Court is to make appropriate use of mediation and  
8 other services for families. All judges assigned to  
9 hear family cases are to attend an annual conference  
10 on family matters. An advisory committee of persons  
11 involved with family cases is created to assist the  
12 Chief Judge of the District Court.

13 Section 4 gives the District Court administrative  
14 responsibility for appointed Probate Court judges.  
15 County commissioners are to continue to provide fa-  
16 cilities for the use of the Probate Court. The Dis-  
17 trict Court must negotiate for the use of Probate  
18 Court facilities by the District Court.

19 Section 5 permits appointed Probate Court judges  
20 and Active Retired Probate Court judges to sit in the  
21 District Court.

22 Sections 6 to 8 further implement the District  
23 Court's administrative responsibility for Probate  
24 Court judges.

25 Section 9 requires sheriffs to furnish bailiffs  
26 to appointed Probate Court judges if requested. The  
27 District Court pays compensation for these bailiffs.

28 Section 10 permits the Probate Court to change  
29 names of children as part of an adoption proceeding.  
30 Petitions for changes of names of adults or minors,  
31 apart from adoption proceedings, are to be heard by  
32 the District Court.

33 Section 11 amends a provision of the Maine Re-  
34 vised Statutes, Title 4, concerning the election of  
35 Judges of Probate. This change is part of a transfer  
36 to a system of full-time, appointed Probate judges.  
37 Section 11 also alters the handling of Probate Court  
38 filing fees. The increases in certain probate filing  
39 fees made in this bill are to be paid by probate reg-  
40 isters to the Treasurer of State for credit to the  
41 General Fund. The current amount of each relevant



1 probate filing fee is to be retained by the counties.

2 Section 12 establishes a Probate Court system  
3 with full-time appointed Probate judges. In estab-  
4 lishing this system of full-time Probate judges, sec-  
5 tion 12 effectuates the repeal of the Constitution of  
6 Maine, Article VI, Section 6, which requires the  
7 election of judges and registers of probate. From  
8 1989 to 1990, 3 Probate judges will be appointed by  
9 the Governor to serve Sagadahoc, Lincoln, Knox,  
10 Waldo, Oxford, Somerset, Piscataquis, Aroostook and  
11 Washington Counties full time. In 1991, 3 more Pro-  
12 bate judges will be appointed so that all 16 counties  
13 will be served by full-time Probate judges. These  
14 judges will be members of the Judicial Department  
15 with salaries, paid by the State, equivalent to those  
16 of District Court judges.

17 Section 13 permits appointed Probate Court judges  
18 who have retired to be eligible for appointment as  
19 active retired judges of the Probate Court.

20 Sections 14 to 17 amend the Maine Revised Stat-  
21 utes, Title 4, that concern elected Probate judges.

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

24 Section 19 places appointed Probate Court judges  
25 within the judicial retirement system.

26 Section 20 places the advisory committee created  
27 under section 3 within the required law for boards  
28 and commissions.

29 Section 21 amends the provision in the Maine Re-  
30 vised Statutes, Title 14, concerning the filing of  
31 foreign judgments in Maine to reflect the exclusive  
32 jurisdiction of the District Court in family cases.

33 Sections 22 to 24 change the name of the Juvenile  
34 Court to the Family Court.

35 Section 25 amends the definition of "court" in  
36 the Probate Code to make it clear that the Probate  
37 Code's reference to the court having jurisdiction  
38 over probate cases includes the Probate Court as con-

1       stituted by appointed judges.

2           Section 26 places the repealed provisions of the  
3 Constitution of Maine concerning the election of reg-  
4 isters of probate into law.

5           Sections 27 to 30 increase fees for the filing of  
6 certain probate court actions.

7           Section 31 concerns payment, where applicable, of  
8 probate fees to the State.

9           Sections 32 and 33 permit District Court judges  
10 of the appropriate venue to act on temporary guardi-  
11 anship petitions.

12          Section 34 gives primary jurisdiction over ac-  
13 tions to waive the waiting period prior to marriage  
14 to the District Court.

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

17          Section 36 gives jurisdiction over actions aris-  
18 ing from cautions to marriage to the District Court.

19          Section 37 gives jurisdiction over actions to de-  
20 termine parental rights and responsibilities when  
21 parents are living apart to the District Court and  
22 establishes an increased filing fee in the law for  
23 these actions effective July 1, 1990.

24          Section 38 gives jurisdiction over paternity ac-  
25 tions to the District Court.

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

28          Sections 40, 41 and 42 give jurisdiction over ac-  
29 tions under the Uniform Reciprocal Enforcement of  
30 Support Act to the District Court.

31          Section 43 gives jurisdiction over actions under  
32 the Uniform Civil Liability for Support Act to the  
33 District Court.

34          Section 44 raises the fee for filing a petition

1 for adoption in the Probate Court.

2 Sections 45 and 46 give jurisdiction over judi-  
3 cial separation actions to the District Court. Sec-  
4 tion 45 establishes an increased filing fee in the  
5 law for these actions effective July 1, 1990.

6 Sections 47 and 48 give jurisdiction over annul-  
7 ment actions to the District Court. Section 47 es-  
8 tablishes an increased filing fee in the law for  
9 these actions effective July 1, 1990.

10 Sections 49, 50 and 51 give jurisdiction over di-  
11 vorce actions to the District Court. Section 50 es-  
12 tablishes an increased filing fee in the law for  
13 these actions effective July 1, 1990.

14 Section 52 gives jurisdiction over name change  
15 petitions to the District Court and raises the filing  
16 fee for these petitions.

17 Section 53 gives a definition for "court of this  
18 State" in the Uniform Child Custody Jurisdiction Act  
19 thereby giving jurisdiction over actions under this  
20 Act primarily to the District Court.

21 Section 54 gives jurisdiction over child protec-  
22 tion actions to the District Court, with limited  
23 emergency jurisdiction in the Probate Court.

24 Sections 55 to 68 repeal the county-paid salaries  
25 of elected probate judges when those offices are  
26 abolished.

27 Section 69 gives jurisdiction over actions in-  
28 volving runaway delinquent juveniles to the District  
29 Court.

30 Section 70 gives primary jurisdiction over emer-  
31 gency commitment of mentally ill persons to the Dis-  
32 trict Court.

33 Section 71 gives primary jurisdiction over emer-  
34 gency institutionalization of mentally retarded per-  
35 sons to the District Court.

36 Section 72 requires the Judicial Council to re-

1 port to the Legislature in 1992 on the workings of  
2 the District Court as Family Court and on the use of  
3 appointed Probate Court Judges.

4 Section 73 appropriates funds.

5 Section 74 establishes effective dates.

6

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