

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 417

S.P. 138

In Senate, January 23, 1997

An Act to Amend the Fee Schedule for Probate Filings.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

4 **Sec. 1. 18-A MRSA §1-602**, as amended by PL 1993, c. 148, §§3
and 4, is further amended to read:

6 **§1-602. Filing and certification fees**

8 The register of probate receives the following fees for
filing or certifying documents:

10 (1) For making and certifying to the register of deeds
12 copies of devises of real estate, abstracts of petitions for
appointment of a personal representative or for an elective share
14 and any other document for which certification is required, \$6
16 \$8, except as otherwise expressly provided by law. The fee must
be paid by the personal representative, petitioner or other
18 person filing the document to be certified when the copy of the
devise or abstracts is made. The register of probate shall
20 deliver the certified document to the register of deeds together
with the fee for recording as provided by Title 33, section 751.
22 The personal representative, petitioner, applicant or other
person requesting the certification shall pay the recording fee
to the register of probate.

24 (2) For receiving and entering each petition or application
26 for all estates, testate and intestate, including foreign
estates, and the filing of a notice by a domiciliary foreign
28 personal representative, except for the filing of a successor
personal representative, when the value of the estate is:

30 (i)

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

36 (iii) \$10,000 and under, \$15;

38 (iv) \$10,001 to \$20,000, \$30;

40 (v) \$20,001 to \$30,000, \$45;

42 (vi) \$30,001 to \$40,000, \$60;

44 (vii) \$40,001 to \$50,000, \$75;

46 (viii) \$50,001 to \$75,000, \$100;

48 (ix) \$75,001 to ~~\$150,000~~ \$100,000, \$150;

50 (x) ~~\$150,001~~ \$100,001 to ~~\$250,000~~ \$150,000, \$200;

52 (xi) ~~\$250,001~~ \$150,001 to ~~\$500,000~~ \$200,000, ~~\$300~~ \$250;

- 2 (xii) ~~\$500,001~~ \$200,001 to ~~\$1,000,000~~ \$250,000, ~~\$400~~
 4 \$300;
- 6 (xiii) ~~\$1,000,001~~ \$250,001 to ~~\$2,000,000~~ \$300,000,
 8 ~~\$500~~ \$350; or
- 10 (xiv) ~~More than \$2,000,000, \$600.~~ \$300,001 to
 12 \$400,000, \$400;
- 14 (xv) \$400,001, to \$500,000, \$450;
- 16 (xvi) \$500,001, to \$750,000, \$500;
- 18 (xvii) \$750,001, to \$1,000,000, \$550;
- 20 (xviii) \$1,000,001 to \$1,500,000, \$600;
- 22 (xix) \$1,500,001 to \$2,000,000, \$700; or
- (xx) More than \$2,000,000, \$750.

24 (3) For making copies from the records of the court, \$1 for
 26 ~~the first each page plus 50¢ for each additional page, except the~~
~~charge for furnishing to the personal representative one copy of~~
~~each will probated shall be \$1.~~

28 (4) For each certificate, under seal of the court, of the
 30 appointment and qualification of a personal representative,
 32 guardian, conservator or trustee, ~~\$3~~ \$5, and for each double
 certificate, ~~\$5~~ \$10.

34 (5) For filing a petition for appointment as guardian, ~~\$10~~
\$25.

36 (6) For filing application for involuntary hospitalization,
 38 \$10.

40 (7) For filing a joined petition for guardian and
 conservator, ~~\$20~~ \$35.

42 (8) For filing any other formal proceeding, ~~\$10~~ \$15.

44 (9) For filing a petition for appointment of conservator,
 46 ~~\$10~~ \$25.

48 (10) For all other subsequent informal appointments, \$15.

50 **Sec. 2. 18-A MRSA §1-701, first ¶**, as enacted by PL 1995, c.
 694, Pt. C, §5 and affected by Pt. E, §2, is amended to read:

2 If a person desires to have that person's name changed, the
person may petition the judge of probate in the county where the
4 person resides; or, if the person is a minor, that person's legal
custodian may petition in the person's behalf, and the judge,
6 after due notice, may change the name of the person and shall
make and preserve a record of the name change. The fee for
8 filing the petition is ~~\$10~~ \$25.

10 **Sec. 3. 18-A MRSA §9-301** is enacted to read:

12 **§9-301. Petition for adoption and change of name; filing fee**

14 A husband and wife jointly or an unmarried person, resident
or nonresident of the State, may petition the Probate Court to
16 adopt a person, regardless of age, and to change that person's
name. The fee for filing the petition is \$50.

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

22 If a person desires to have ~~his~~ that person's name changed,
he ~~the person~~ may petition the judge of probate in the county
24 where he ~~the person~~ resides; or, if he ~~the person~~ is a minor, ~~his~~
that person's legal custodian may petition in ~~his~~ the person's
26 behalf, and the judge, after due notice, may change the name of
the person and shall make and preserve a record ~~thereof~~ of the
28 name change. The fee for filing the petition ~~shall be \$10~~ is \$25.

30 **Sec. 5. 19 MRSA §1121, first ¶**, as enacted by PL 1993, c. 686,
§5 and affected by §13, is amended to read:

32 A husband and wife jointly or an unmarried person, resident
or nonresident of the State, may petition the Probate Court to
34 adopt a person, regardless of age, and to change that person's
name. The fee for filing the petition is ~~\$10~~ \$50.

36 **Sec. 6. Effective date.** Those sections of this Act that amend
38 the Maine Revised Statutes, Title 18-A, sections 1-701 and 9-301
take effect October 1, 1997.

40 **Sec. 7. Repeal.** Those sections of this Act that amend the
42 Maine Revised Statutes, Title 19, sections 781 and 1121 are
repealed October 1, 1997.

44
46 **SUMMARY**

48 This bill amends the fee schedule for probate filings.