

# MAINE STATE LEGISLATURE

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



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



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

---

Legislative Document

No. 928

---

H.P. 713

House of Representatives, February 15, 2001

---

**An Act to Reform the Selection of Probate Judges.**

---

Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SCHNEIDER of Durham.

Cosponsored by Representatives: NASS of Acton, WESTON of Montville.

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

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

**Sec. 1. 4 MRSA §301, first ¶**, as amended by PL 1995, c. 683, §1, is further amended to read:

Judges of probate are ~~elected or~~ appointed as provided in the Constitution of Maine and this section. Only attorneys at law admitted to the general practice of law in this State and resident in this State may be elected or appointed as judges of probate. ~~Their election is effected and determined as is provided respecting county commissioners; and they enter upon the discharge of their duties on the first day of January following their election; but, when appointed to fill vacancies, their terms commence on their appointment. Vacancies caused by death, resignation, removal from the county, permanent incapacity as defined in Title 30-A, section 1, subsection 2-A or any other reason must be filled as provided in the Constitution of Maine. In the case of a vacancy in the term of a judge of probate who was nominated by primary election before the general election, the judge of probate appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the judge of probate whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is to be made.~~

**Sec. 2. 4 MRSA §301**, as amended by PL 1995, c. 683, §1, is further amended by adding after the first paragraph a new paragraph to read:

The Governor shall appoint judges of probate, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature. At least one judge must be appointed from each county. Each judge of probate has a term of office of 7 years.

**Sec. 3. Transition.** A judge of probate elected to office prior to the effective date of this Act shall serve out the term to which that judge was elected. Upon the conclusion of the term of that elected judge, the Governor shall appoint a judge of probate in accordance with the Maine Revised Statutes, Title 4, section 301.

**SUMMARY**

This bill repeals the current law that permits judges of probate to be elected. This bill requires that the Governor appoint at least one probate judge for each county, subject to

2 review by the joint standing committee of the Legislature having  
jurisdiction over judiciary matters and to confirmation by the  
Legislature.

4