

MAINE STATE LEGISLATURE

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DATE: 4-20-06

(Filing No. S-617)

JUDICIARY

Reported by:

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**STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 717, L.D. 1800, Bill, "An Act To Amend the Fees for Probate Filings"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 18-A MRSA §1-602, as amended by PL 2003, c. 383, §1, is further amended to read:

§1-602. Filing and certification fees

The register of probate must receive the following fees for filing or certifying documents:

(1) For making and certifying to the register of deeds copies of devises of real estate, abstracts of petitions for appointment of a personal representative or for an elective share and any other document for which certification is required, \$8 \$15, plus the fee for recording as provided by Title 33, section 751, except as otherwise expressly provided by law. The fee must be paid by the personal representative, petitioner or other person filing the document to be certified when the copy of the devise or--abstracts, abstract, petition for elective share or other document for which certification is required is made requested. The register of probate shall deliver the certified document to the register of deeds together with the fee for recording as provided by Title 33, section 751,---The--personal

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2 ~~representative, petitioner, applicant or other person requesting~~
3 ~~the certification shall pay the recording fee to the register of~~
4 ~~probate;~~

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

11 (i-a) For filing a will for no probate, no charge;

12 (ii) For filing a will to be probated and without an
13 appointment, \$10 \$15;

14 (iii) \$10,000 and under, \$15 \$20;

15 (iv) \$10,001 to \$20,000, \$30 \$40;

16 (v) \$20,001 to \$30,000, \$45 \$60;

17 (vi) \$30,001 to \$40,000, \$60 \$75;

18 (vii) \$40,001 to \$50,000, \$75 \$95;

19 (viii) \$50,001 to \$75,000, \$100 \$125;

20 (ix) \$75,001 to \$100,000, \$150 \$190;

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

22 (xi) \$150,001 to \$200,000, \$250 \$325;

23 (xii) \$200,001 to \$250,000, \$300 \$375;

24 (xiii) \$250,001 to \$300,000, \$350 \$450;

25 (xiv) \$300,001 to \$400,000, \$400 \$500;

26 (xv) \$400,001 to \$500,000, \$450 \$575;

27 (xvi) \$500,001 to \$750,000, \$500 \$625;

28 (xvii) \$750,001 to \$1,000,000, \$550 \$700;

29 (xviii) \$1,000,001 to \$1,500,000, \$600 \$750;

30 (xix) \$1,500,001 to \$2,000,000, \$700 \$875; or

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2 (xx) More than \$2,000,000, ~~\$750~~ \$950, and continuing in
steps of ~~\$50~~ \$100 for every increase in value of \$500,000 or
part thereof above \$2,500,000.;

4
6 (3) For making copies from the records of the court, \$1 for
each page.;

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

12 (5) For filing a petition for appointment as guardian, ~~\$25.~~
14 \$50.;

16 (6) For filing application for involuntary hospitalization,
~~\$10.~~;

18 (7) For filing a joined petition for guardian and
20 conservator, ~~\$35.~~ \$75.;

22 (8) For filing any other formal proceeding, ~~\$15.~~ \$25.;

24 (9) For filing a petition for appointment of conservator,
~~\$25.~~ \$50.;

26 (10) For all other subsequent informal appointments, ~~\$15.~~
28 \$25.; and

30 (11) For filing a petition for elective share, \$120.

32 **Sec. 2. 18-A MRSA §1-608** is enacted to read:

34 **§1-608. Fees not established in statute**

36 Unless otherwise specifically stated in statute or in the
38 Rules of Probate Procedure as published by the Supreme Judicial
40 Court, the Probate Court shall charge the same fee as charged by
the District Court or the Superior Court for similar procedures.

42 **Sec. 3. 18-A MRSA §1-701, sub-§(d)**, as enacted by PL 2001, c.
163, §1, is amended to read:

44 (d) The fee for filing the name change petition is ~~\$25~~ \$40.

46 **Sec. 4. 18-A MRSA §9-301, first ¶**, as amended by PL 2001, c. 52,
48 §1, is further amended to read:

50 A husband and wife jointly or an unmarried person, resident
or nonresident of the State, may petition the Probate Court to

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adopt a person, regardless of age, and to change that person's
name. The fee for filing the petition is \$50 ~~\$65~~ plus:

Sec. 5. 18-A MRSA §9-312, as enacted by PL 1995, c. 694, Pt.
C, §7 and affected by Pt. E, §2, is amended to read:

§9-312. Foreign adoptions

If an adoption in a foreign country has been finalized and
the adopting parents are seeking an adoption under the laws of
this State to give recognition to the foreign adoption, a judge
of probate may enter a decree of adoption based solely upon a
judgment of adoption in a foreign country and may order a change
of name if requested by the adopting parents. The fee for filing
the petition is \$55.

SUMMARY

This amendment replaces the bill. It raises certain Probate
Court filing fees and sets other fees at the same amount charged
by the District Court and Superior Court for similar procedures.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1800

LR2690(02)

An Act To Amend the Fees for Probate Filings

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Fiscal Detail and Notes

The increase in fees for probate filings would result in increased costs of approximately \$7,000 annually to the Department of Health and Human Services, Office of Elder Services program. Most of these increased costs would result from guardianship petitions and conservatorship petitions. The bill does not include a FY 2006-07 General Fund appropriation for the Office of Elder Services. The Office of Elder Services does not believe it can absorb these costs within existing budgeted resources and as a result there may be an impact on other programs and services. The programs affected and the level of impact on each cannot be determined at this time.