

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)



122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1800

S.P. 717

In Senate, December 30, 2005

An Act To Amend the Fees for Probate Filings

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WESTON of Waldo.
Cosponsored by Representative: CUMMINGS of Portland.

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

2
4 **Sec. 1. 18-A MRSA §1-602**, as amended by PL 2003, c. 383, §1,
is further amended to read:

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

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

12 (1) For making and certifying to the register of deeds
14 copies of devises of real estate, abstracts of petitions for
16 appointment of a personal representative ~~or for an elective share~~
and any other document for which certification is required, \$8
18 ~~\$15~~, 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 is made. 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.~~
22 For making and certifying to the register of deeds copies for an
elective share, \$120. The personal representative, petitioner,
24 applicant or other person requesting the certification shall pay
the recording fee to the register of ~~probate,~~ deeds;

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

32 (i-a) For filing a will for no probate, \$10;

34 (ii) For filing a will to be probated and without an
36 appointment, \$10 \$25;

38 (iii) ~~\$10,000 and under~~ Under \$40,000, \$15 \$75;

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

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

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

46 (vii) \$40,001 to \$50,000, \$75 \$125;

48 (viii) \$50,001 to \$75,000, \$100 \$200;

50 (ix) \$75,001 to \$100,000, \$150 \$250;

- 2 (x) \$100,001 to \$150,000, ~~\$200~~ \$300;
- 4 (xi) \$150,001 to \$200,000, ~~\$250~~ \$350;
- 6 (xii) \$200,001 to \$250,000, ~~\$300~~ \$400;
- 8 (xiii) \$250,001 to \$300,000, ~~\$350~~ \$450;
- 10 (xiv) \$300,001 to \$400,000, ~~\$400~~ \$525;
- 12 (xv) \$400,001 to \$500,000, ~~\$450~~ \$600;
- 14 (xvi) \$500,001 to \$750,000, ~~\$500~~ \$725;
- 16 (xvii) \$750,001 to \$1,000,000, ~~\$550~~ \$850;
- 18 (xviii) \$1,000,001 to \$1,500,000, ~~\$600~~ \$1,350;
- 20 (xix) \$1,500,001 to \$2,000,000, ~~\$700~~ \$1,500; or
- 22 (xx) More than \$2,000,000, ~~\$750~~ \$2,000, and continuing in
 24 steps of ~~\$50~~ \$100 for every increase in value of \$500,000 or
 26 part thereof above \$2,500,000+;
- 28 (3) For making copies from the records of the court, \$1 for
 30 each page+;
- 32 (4) For each certificate, under seal of the court, of the
 34 appointment and qualification of a personal representative,
 36 guardian, conservator or trustee, \$5, and for each double
 38 certificate, \$10+;
- 40 (5) For filing a petition for appointment as guardian, ~~\$25+~~
 42 \$50;
- 44 (6) For filing application for involuntary hospitalization,
 46 \$10+;
- 48 (7) For filing a joined petition for guardian and
 conservator, ~~\$35+~~ \$75;
- (8) For filing any other formal proceeding, ~~\$15+~~ \$25;
- (9) For filing a petition for appointment of conservator,
~~\$25+~~ \$50; and
- (10) For all other subsequent informal appointments, ~~\$15~~
\$25.

2 **Sec. 2. 18-A MRSA §1-701, sub-§(d)**, as enacted by PL 2001, c.
 163, §1, is amended to read:

4 (d) The fee for filing the name change petition is ~~\$25~~ \$75.

6 **Sec. 3. 18-A MRSA §9-301, first ¶**, as amended by PL 2001, c. 52,
 §1, is further amended to read:

8
 10 A husband and wife jointly or an unmarried person, resident
 or nonresident of the State, may petition the Probate Court to
 12 adopt a person, regardless of age, and to change that person's
 name. The fee for filing the petition is ~~\$50~~ \$150 plus:

14 **Sec. 4. 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:

16 **§9-312. Foreign adoptions**

18
 20 If an adoption in a foreign country has been finalized and
 the adopting parents are seeking an adoption under the laws of
 22 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
 24 of name if requested by the adopting parents. The fee for filing
the petition is \$75.

26
 28 **SUMMARY**

30 This bill raises the filing fees for probate filings and it
 requires the recording fee to be paid to the register of deeds.