

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1260

S.P. 423

In Senate, March 30, 2017

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**Resolve, To Establish the Commission To Create a Plan for the  
Establishment of a Probate Court System with Full-time Judges**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

Cosponsored by Senators: DION of Cumberland, HILL of York, MAKER of Washington,  
ROSEN of Hancock, Representatives: BAILEY of Saco, TEPLER of Topsham.

1           **Preamble. Whereas,** the existing probate court system established pursuant to the  
2 Maine Constitution, Article VI, Section 6 was conditionally repealed by a vote of the  
3 people of Maine in 1967; and

4           **Whereas,** the effective date of repeal was dependent upon the creation of a different  
5 probate court system with full-time probate judges by the Legislature; and

6           **Whereas,** a different probate court system has not been created since the repeal and  
7 the Legislature has not considered a plan to establish a probate court system with full-  
8 time judges; and

9           **Whereas,** to honor the intent of a long-standing vote of Maine people and ensure  
10 that Maine people currently have the same access to justice in all Maine courts; now,  
11 therefore, be it

12           **Sec. 1. Commission established. Resolved:** That, notwithstanding Joint Rule  
13 353, the Commission To Create a Plan for the Establishment of a Probate Court System  
14 with Full-time Judges, referred to in this resolve as "the commission," is established; and  
15 be it further

16           **Sec. 2. Commission membership. Resolved:** That the commission consists of  
17 15 members appointed as follows:

18           1. Two members of the Senate appointed by the President of the Senate, including  
19 one member from each of the 2 parties holding the largest number of seats in the  
20 Legislature;

21           2. Three members of the House of Representatives appointed by the Speaker of the  
22 House of Representatives, including members from each of the 2 parties holding the  
23 largest number of seats in the Legislature;

24           3. Three members appointed by the Chief Justice of the Supreme Judicial Court;

25           4. One member who is a member of the Maine Probate Judges Assembly appointed  
26 by the Speaker of the House of Representatives;

27           5. One member who is a Register of Probate appointed by the Speaker of the House  
28 of Representatives;

29           6. One member who is a judicial branch clerk appointed by the Chief Justice of the  
30 Supreme Judicial Court;

31           7. One member who is a member of the Probate and Trust Law Advisory  
32 Commission appointed by that commission;

33           8. One member who is a member of the Family Law Advisory Commission  
34 appointed by that commission; and

35           9. Two members who are members of the Maine State Bar Association appointed by  
36 the Speaker of the House of Representatives; and be it further



1 funded. The Joint Standing Committee on Judiciary has authority to report out a bill  
2 regarding the plan to the Second Regular Session of the 128th Legislature.