

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1320

H. P. 1122

House of Representatives, March 16, 1955

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. McGlauffin of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Rules and Blanks of the Courts of Probate.

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

Sec. 1. R. S., c. 153, § 50, repealed and replaced. Section 50 of chapter 153 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 50. Rules of practice and procedure; blanks; revision of rules and blanks; approval. The rules of practice and procedure in the courts of probate and insolvency, approved by a majority of the Justices of the Supreme Judicial Court June 17, 1916, and as thereafter revised and approved, are in force in all courts of probate and insolvency; and the blanks for use in said courts approved by the Supreme Judicial Court September 30, 1916, and as thereafter revised and approved, shall be used in all courts of probate and insolvency, and no other blanks shall be used therein. The Governor shall appoint a Commission on Probate Rules and Blanks consisting of 3 Judges and 2 Registers of Probate. Each member of the Commission shall serve for 4 years and until his successor is appointed and qualified, but membership on the Commission shall terminate when he ceases to be a judge or register of probate. The Commission may make new rules and blanks or amendments to existing rules and blanks as changes in statutes or convenience requires. Such new rules and blanks or amended rules and blanks shall, when approved by the Supreme Judicial Court or a majority of the Justices thereof, take effect and be in force in all courts of probate and insolvency.

The Commission shall elect a chairman and a secretary, and shall receive no compensation for meetings of the Commission but shall be reimbursed for their

necessary traveling expenses. The secretary of the Commission may receive compensation for services performed by direction of the Commission, subject to approval of the Governor and Council.'

Sec. 2. R. S., c. 153, § 50-A, additional. Chapter 153 of the revised statutes is hereby amended by adding thereto a new section to be numbered 50-A, to read as follows:

'**Sec. 50-A. Revolving fund.** The Commission may set up a revolving fund in the State Treasury for the purpose of supplying the counties participating with uniform blanks and record books, provided not less than 10 of the counties join in the arrangement and pay into the fund a contribution based on the amount of accountable probate fees paid into their treasuries for the year next prior to the establishment of the fund. A county not joining the fund when set up may later participate by paying in the amount it would have paid in at the time the fund was established. The Commission shall determine the amount of the original revolving fund. Uniform blanks and record books shall be supplied to the participating counties by the Commission who shall fix the price of the same with due consideration given to cost of blanks and books, number furnished at one time and cost of administration, plus an amount not exceeding 10%.

Purchases by the Commission shall be subject to the laws regulating purchases by the State of Maine. The Commission shall report to the Legislature biennially its administration of the revolving fund.

Any amounts in the revolving fund not required to maintain a reasonable inventory of blanks and record books shall be returned to the counties participating on the basis of their original contribution to the fund.

The several counties of the State are authorized to participate in the arrangement and use county funds for the county's share in the revolving fund.'

Sec. 3. Application. The members of the present Commission appointed by the Governor as provided by section 50 of Chapter 153 of the Revised Statutes shall constitute the first Commission under the statutes, as amended by this act, and shall continue as members of the Commission through December 31, 1955.