

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

CHAPTER 17

H.P. 180 - L.D. 235

**An Act to Require the Courts to
Accept Civil Orders of Arrest on Any
Day Court is in Session**

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

Sec. 1. 14 MRSA §3135, first ¶, as repealed and replaced by PL 1987, c. 184, §18, is amended to read:

A civil order of arrest issued under section 3134, subsection 1, or section 3136, ~~shall~~ must direct the sheriff to arrest the individual named in the order and bring the individual to a hearing ~~on any day the days or date specified court is in the civil order of arrest session.~~ In the case of a nonindividual debtor, a the civil order of arrest ~~shall issue~~ must be issued for the arrest of any officer, director or managing agent of the debtor or other agent appointed by the debtor to accept service and who was served with the disclosure subpoena.

Sec. 2. 14 MRSA §3135, 3rd ¶, as enacted by PL 1987, c. 184, §18, is amended to read:

After the ~~judgment~~ judgment debtor is brought to the court, the clerk shall promptly notify the judgment creditor or ~~his~~ the judgment creditor's attorney of record in person or by telephone that ~~his~~ the presence of one of them is required for a hearing. If a disclosure or contempt hearing cannot be held that day due to the inability of the judgment creditor or ~~his~~ the judgment creditor's attorney to appear or due to the absence of the judge or the inability of the court to hear the matter because of other business, the court or clerk shall release the debtor upon ~~his~~ the debtor's personal recognizance for ~~his~~ appearance on a date certain. ~~If the A debtor who fails to appear for the disclosure or contempt hearing after being released upon his the debtor's personal recognizance, the court may issue additional civil orders of arrest to bring the debtor before the court for hearing commits a Class E crime.~~

Sec. 3. 14 MRSA §3136, sub-§4, as enacted by PL 1987, c. 184, §19, is amended to read:

4. Failure to appear. If the person sought to be held in contempt fails to appear after being duly served with a contempt subpoena and the judgment creditor appears at the time and place named in the subpoena, upon the request of the judgment creditor, the judge shall issue a civil order of arrest directing the sheriff to arrest the person and bring the person to the court on any day the days or date specified court is in the civil order of arrest session. In the case of a

nonindividual, a the civil order of arrest ~~shall~~ must be issued for the arrest of any officer, director or managing agent who was served with the contempt subpoena.

See title page for effective date.

CHAPTER 18

S.P. 138 - L.D. 417

**An Act to Amend the Fee Schedule
for Probate Filings**

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

Sec. 1. 18-A MRSA §1-602, as amended by PL 1993, c. 148, §§3 and 4, is further amended to read:

§1-602. Filing and certification fees

The register of probate receives 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, ~~\$6~~ \$8, 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. The personal representative, petitioner, applicant or other person requesting the certification shall pay the recording fee to the register of probate.

(2) For receiving and entering each petition or application for all estates, testate and intestate, including foreign 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:

- (ii) For filing a will to be probated and without an appointment, \$10;
- (iii) \$10,000 and under, \$15;
- (iv) \$10,001 to \$20,000, \$30;
- (v) \$20,001 to \$30,000, \$45;
- (vi) \$30,001 to \$40,000, \$60;
- (vii) \$40,001 to \$50,000, \$75;

- (viii) \$50,001 to \$75,000, \$100;
- (ix) \$75,001 to ~~\$150,000~~ \$100,000, \$150;
- (x) ~~\$150,001~~ \$100,001 to ~~\$250,000~~ \$150,000, \$200;
- (xi) ~~\$250,001~~ \$150,001 to ~~\$500,000~~ \$200,000, ~~\$300~~ \$250;
- (xii) ~~\$500,001~~ \$200,001 to ~~\$1,000,000~~ \$250,000, ~~\$400~~ \$300;
- (xiii) ~~\$1,000,001~~ \$250,001 to ~~\$2,000,000~~ \$300,000, ~~\$500~~ \$350; or
- (xiv) ~~More than \$2,000,000, \$600-~~ \$300,001 to \$400,000, \$400;
- (xv) \$400,001 to \$500,000, \$450;
- (xvi) \$500,001 to \$750,000, \$500;
- (xvii) \$750,001 to \$1,000,000, \$550;
- (xviii) \$1,000,001 to \$1,500,000, \$600;
- (xix) \$1,500,001 to \$2,000,000, \$700; or
- (xx) More than \$2,000,000, \$750.

(3) For making copies from the records of the court, \$1 for the first each page plus ~~50¢ for each additional page; except the charge for furnishing to the personal representative one copy of each will probated shall be \$1.~~

(4) For each certificate, under seal of the court, of the appointment and qualification of a personal representative, guardian, conservator or trustee, ~~\$3~~ \$5, and for each double certificate, ~~\$5~~ \$10.

(5) For filing a petition for appointment as guardian, ~~\$10~~ \$25.

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

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

(8) For filing any other formal proceeding, ~~\$10~~ \$15.

(9) For filing a petition for appointment of conservator, ~~\$10~~ \$25.

(10) For all other subsequent informal appointments, \$15.

Sec. 2. 18-A MRSA §1-701, first ¶, as enacted by PL 1995, c. 694, Pt. C, §5 and affected by Pt. E, §2, is amended to read:

If a person desires to have that person's name changed, the person may petition the judge of probate in the county where the person resides; or, if the person is a minor, that person's legal custodian may petition in the person's behalf, and the judge, after due notice, may change the name of the person and shall make and preserve a record of the name change. The fee for filing the petition is ~~\$40~~ \$25.

Sec. 3. 18-A MRSA §9-301, as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

§9-301. Petition for adoption and change of name; filing fee

A husband and wife jointly or an unmarried person, resident or nonresident of the State, may petition the Probate Court to adopt a person, regardless of age, and to change that person's name. The fee for filing the petition is ~~\$40~~ \$50.

Sec. 4. 19 MRSA §781, first ¶, as amended by PL 1983, c. 262, §4, is further amended to read:

If a person desires to have ~~his~~ that person's name changed, ~~he~~ the person may petition the judge of probate in the county where ~~he~~ the person resides; or, if ~~he~~ the person is a minor, ~~his~~ that person's legal custodian may petition in ~~his~~ the person's behalf, and the judge, after due notice, may change the name of the person and shall make and preserve a record thereof of the name change. The fee for filing the petition ~~shall be \$10~~ is \$25.

Sec. 5. 19 MRSA §1121, first ¶, as enacted by PL 1993, c. 686, §5 and affected by §13, is amended to read:

A husband and wife jointly or an unmarried person, resident or nonresident of the State, may petition the Probate Court to adopt a person, regardless of age, and to change that person's name. The fee for filing the petition is ~~\$40~~ \$50.

Sec. 6. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 18-A, sections 1-701 and 9-301 take effect October 1, 1997.

Sec. 7. Repeal. Those sections of this Act that amend the Maine Revised Statutes, Title 19, sections 781 and 1121 are repealed October 1, 1997.

See title page for effective date, unless otherwise indicated.