

MAINE STATE LEGISLATURE

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CHAPTER 7
REGISTERS OF PROBATE

Sec.

- 251. Election; bond; salaries; copies.
- 252. Condition of bond.
- 253. Duties; records; binding of papers.
- 254. Certification of will involving devise or sale of real estate to register of deeds.
- 255. Notice to beneficiaries; furnishing of copies.
- 256. Deputy register of probate.
- 257. Inspection of register's conduct of office.
- 258. Register incapable or neglects duties.
- 259. Records in case of vacancy.
- 260. Register not to counsel or draft documents.

§ 251. Election; bond; salaries; copies

Registers of probate are elected or appointed as provided in the Constitution. Their election is effected and determined as is provided respecting county commissioners by Title 30, chapter 1, and they enter upon the discharge of their duties on the first day of January following; but the term of those appointed to fill vacancies commences immediately. All registers, before acting, shall give bond to the treasurer of their county with sufficient sureties, in the sum of \$2,500. Every register, having executed such bond, shall file it in the office of the clerk of the county commissioners of his county, to be presented to them at their next meeting for approval. After the bond has been so approved, the clerk shall record it and certify the fact thereon, and retaining a copy thereof, deliver the original to the register, who shall deliver it to the treasurer of the county within 10 days after its approval, to be filed in his office.

Registers of probate in the several counties shall receive annual salaries as set forth in Title 30, section 2.

The salaries of the registers of probate shall be in full compensation for the performance of all duties required of registers of probate. They may make copies of wills, accounts, inventories, petitions and decrees and furnish the same to persons calling for them and may charge a reasonable fee for such service. Exemplified copies of the record of the probate of wills and the granting of administrations, guardianships and conservatorships, copies of petitions and orders of notice thereon for personal service,

appeal copies and the statutory fees for abstracts and copies of the waiver of wills and other copies required to be recorded in the registry of deeds shall be deemed to be official fees for the use of the county.

Nothing in this section shall be construed to change or repeal any provisions of law requiring the furnishing of certain copies without charge.

R.S.1954, c. 153, § 22; 1959, c. 372, § 10; 1961, c. 345, § 3.

§ 252. Condition of bond

The condition of such bond shall be to account, according to law, for all fees received by him or payable to him by virtue of his office and to pay the same to the county treasurer quarterly, as provided by law; to keep up, seasonably and in good order, the records of the court; to make and keep correct and convenient alphabets of the records and to faithfully discharge all other duties of the office. If such register forfeits his bond, he is thenceforth disqualified from holding said office, and neglect to complete his records for more than 6 months at any time, sickness or extraordinary casualty excepted, shall be adjudged a forfeiture.

R.S.1954, c. 153, § 23.

§ 253. Duties; records; binding of papers

Registers of probate shall have the care and custody of all files, papers and books belonging to the probate office; and shall duly record all wills proved, letters of administration or guardianship granted, bonds approved, accounts allowed, all petitions for distribution and decrees thereon and all petitions, decrees and licenses relating to the sale, exchange, lease or mortgage of real estate, all petitions and decrees relating to adoption and change of name, and such orders and decrees of the judge, and other matters, as he directs. They shall keep a docket of all probate cases and shall, under the appropriate heading of each case, make entries of each motion, order, decree and proceeding so that at all times the docket will show the exact condition of each case. Any register may act as an auditor of accounts when requested to do so by the judge and his decision shall be final unless appeal is taken in the same manner as other probate appeals. The records may be attested by the volume, and it shall be deemed to be a sufficient attestation of such records, when each volume thereof bears the attest with the written signature of the register or other person authorized by law to attest such records. The

registers of probate may bind in volumes of convenient size original inventories and accounts filed in their respective offices, and when so bound and indexed, such inventories and accounts shall be deemed to be recorded in all cases where the law requires a record to be made, and no further record shall be required.

R.S.1954, c. 153, § 24.

§ 254. Certification of will involving devise or sale of real estate to register of deeds

Within 30 days after a will has been proved and allowed in the probate court or in the supreme court of probate, the register shall make out and certify to the register of deeds in the county where the real estate is situated, a true copy of so much of said will as devises real estate, with the description thereof, so far as it can be furnished from said will, including so much of said will as may relate to powers of executors and trustees named in said will to sell real estate without license of court, and the name of the testator and of the devisee. The register of deeds receiving such copy shall forthwith file the same, minuting thereon the time of the reception thereof, and record it in the same manner as a deed of real estate.

R.S.1954, c. 153, § 25.

§ 255. Notice to beneficiaries; furnishing of copies

Registers of probate shall, within the time specified in section 254, notify by mail all beneficiaries under any will that bequests have been made to them, stating the name of the testator and executor or administrator with the will annexed. Beneficiaries shall, upon application, be furnished with a copy of so much of the will as relates to them, upon payment of a fee of 50¢, provided the copy does not exceed 10 lines of legal cap paper of not less than 10 words in each line, and 5¢ for each additional line of 10 words.

R.S.1954, c. 153, § 26.

§ 256. Deputy register of probate

Any register of probate in this State may, if he so desires, appoint any person who is employed on a full-time basis in said probate office as the deputy register of probate for said county and said deputy may perform any of the duties prescribed by law to be performed by the register of probate. His signature

as said deputy shall have the same force and effect as the signature of the register. The register in said county shall be responsible for all the official acts of his deputy and said appointment as deputy shall not entitle said person to any additional salary.

In case of the absence of the register in any county where no deputy has been appointed as above authorized, or a vacancy in the office of register of probate due to death, resignation or any other cause, the judge shall appoint a suitable person to act as register pro tempore until the register resumes his duties or another is qualified as register. He shall be sworn and, if the judge requires it, give bond as in the case of the register.

R.S.1954, c. 153, § 27; 1955, c. 283; 1963, c. 190.

§ 257. Inspection of register's conduct of office

Every judge of probate and the justices of the supreme court of probate shall constantly inspect the conduct of the register with respect to his records and the duties of his office, and give information in writing of any breach of his bond to the treasurer of his county, who shall bring a civil action. The money thus recovered shall be applied toward the expenses of completing the records of such register under the direction of said judge and the surplus, if any, shall inure to the county. If it is not sufficient for that purpose, the treasurer may recover the deficiency from the register in a civil action.

R.S.1954, c. 153, § 28; 1961, c. 317, § 491.

§ 258. Register incapable or neglects duties

When a register is unable to perform his duties or neglects them, the judge shall certify such inability or neglect to the county treasurer, the time of its commencement and termination, and what person has performed the duties for the time. Such person shall be paid by the treasurer in proportion to the time that he has served and the amount shall be deducted from the register's salary.

R.S.1954, c. 153, § 29.

§ 259. Records in case of vacancy

When there is a vacancy in the office of register and the records are incomplete, they may be completed and certified by the person appointed to act as register or by the register's successor.

R.S.1954, c. 153, § 30.

§ 260. Register not to counsel or draft documents

No register shall be an attorney or counselor in or out of court in any action or matter pending in the court of which he is register nor in any appeal therefrom; nor be administrator, guardian, commissioner of insolvency, appraiser or divider of any estate, in any case within the jurisdiction of said court, except as provided in Title 4, section 307, nor be in any manner interested in the fees and emoluments arising therefrom, in such capacity; nor commence or conduct, either personally or by his agent or clerk, any matter, petition, process or proceeding in the court of which he is register, in violation of this section, and for each and every violation of the preceding provisions of this section, such register shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months. No register shall draft or aid in drafting any document or paper, which he is by law required to record in full or in part, under a penalty of not more than \$100, to be recovered by any complainant in a civil action for his benefit or by indictment for the benefit of the county.

R.S.1954, c. 153, § 31; 1961, c. 317, § 492.