

MAINE STATE LEGISLATURE

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CHAPTER 11

COSTS AND FEES

Sec.

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§ 551. Costs in contested cases

In all contested cases in the original or appellate court of probate, costs may be allowed to either party, including expert witness fees not exceeding \$25 per day, to be paid by the other, or to either or both parties, to be paid out of the estate in controversy, as justice requires. Executions may be issued therefor as in courts of common law.

R.S.1954, c. 153, § 39.

§ 552. Abstracts of wills for registry of deeds

Registers of probate shall receive for:

1. Devises of real estate. Making and certifying to the register of deeds copies of devises of real estate, \$4. Said sum shall be paid by the executor or administrator when said will is proved. Of said sum \$1.50 shall be paid by the register of probate to the register of deeds when such certified copy is furnished to him.

2. Petition to probate. Receiving and entering each petition to probate a will, and each petition for the administration of an estate, when the estimated value of the estate, as stated in the petition, is \$1,000 or over, \$5.

3. Copies. Making copies from the records of the court, 50¢ for the first page plus 25¢ for each additional page; except the charge for furnishing to the executor or administrator one copy of each will proved shall be 50¢.

4. Certificate of appointment. Each certificate, under seal of the court, of the appointment and qualification of an adminis-

trator, executor, guardian or trustee, 50¢ and for each double certificate, \$1.

R.S.1954, c. 153, § 40; 1961, c. 345, § 1.

§ 553. Registers to account quarterly for fees

Registers of probate shall account for each calendar quarter under oath to the county treasurers for all fees received by them or payable to them by virtue of the office, specifying the items, and shall pay the whole amount for each calendar quarter to the treasurers of their respective counties not later than the 15th day of the following month.

R.S.1954, c. 153, § 44; 1957, c. 176.

§ 554. Fees of fiduciaries and surviving partners

Executors, administrators, guardians, conservators, surviving partners and trustees may be allowed \$1 for every 10 miles travel to and from court, and \$1 for each day's attendance; and, at the discretion of the judge, having regard to the nature, liability and difficulty attending their trusts, a commission not exceeding 5% on the amount of personal assets that come into their hands and, in cases where legal counsel is necessary, a reasonable sum for professional aid; and trustees, guardians for adults and conservators may receive yearly such additional sum for the care and management of the trust property as the court having jurisdiction of said trust shall allow not exceeding in any one year 1% of the principal of said trust fund, said additional sum so allowed to be charged against principal or income, or both, and if charged against both, to be charged in such proportions as the said court shall determine. If the surviving partner or partners succeed to the business of the late firm, the benefit accruing from such succession shall be taken into account by the judge in determining the amount of commission to be allowed.

R.S.1954, c. 153, § 45; 1957, c. 136.

§ 555. Pay of appraisers and commissioners

Appraisers of estates, commissioners for examining claims against insolvent estates or determining disputed claims and commissioners appointed to make division of estates may be allowed a reasonable compensation for the time actually employed, including travel and expenses. The fees of witnesses to wills, appraisers and commissioners on insolvent estates or disputed claims

shall be paid by the executors, administrators, trustees or guardians and allowed in the settlement of their accounts.

R.S.1954, c. 153, § 46.

§ 556. Expenses of partition

When a partition of real estate is made by order of a judge of probate, the expenses thereof shall be paid by the parties interested in proportion to their interests; but when such expenses accrue prior to the closing of the final account of any executor or administrator of the deceased owner of such real estate, having in his hands sufficient personal assets for the purpose, the judge may order him to pay such expenses and allow the same in his account, after due notice and hearing thereon. In case of neglect or refusal of any person liable to pay such expenses, the judge may issue a warrant of distress against such delinquent for the amount due from him and costs of process.

R.S.1954, c. 153, § 47.

§ 557. Compensation of reporters

Reporters appointed under Title 4, sections 751 to 756, shall be allowed \$20 a day for their services in court or at an examination, and travel at the rate of 10¢ a mile.

Transcript rates shall be in accordance with Title 4, section 651, for transcript furnished for the files of the court and shall be paid by the county in which the court or examination is held, after the reporter's bill has been allowed by the judge of the court in which the services were rendered. In probate matters, the executor, administrator or guardian shall, in each case out of the estate in his hands, pay to the register for the county the amount of said reporter's fees, and in insolvent matters the assignee shall pay the same to the register for the county before any claims are paid, other than those named in the Insolvent Law, R.S.1954, chapter 162.

R.S.1954, c. 153, § 48; 1961, c. 281, § 4.

§ 558. Reporters to furnish copies

Such reporters shall furnish correct typewritten copies of their notes of the oral testimony taken at any hearing or examination, to any person calling for the same, upon payment of transcript rates prescribed in Title 4, section 651.

R.S.1954, c. 153, § 49; 1961, c. 281, § 5.