



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1950

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H.P. 1453

House of Representatives, January 26, 2022

**An Act To Implement the Recommendations of the Commission To  
Create a Plan To Incorporate the Probate Courts into the Judicial  
Branch**

(EMERGENCY)

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Reported by Representative HARNETT of Gardiner for the Joint Standing Committee on  
Judiciary pursuant to Resolve 2021, chapter 104, section 8.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint  
Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk



1           **Sec. B-2. 4 MRSA §9-B**, as amended by PL 1999, c. 547, Pt. B, §3 and affected by  
2 §80, is further amended to read:

3           **§9-B. Committee on judicial responsibility and disability**

4           The Supreme Judicial Court has the power and authority to prescribe, repeal, add to,  
5 amend or modify rules relating to a committee to receive complaints, make investigations  
6 and make recommendations to the Supreme Judicial Court in regard to discipline,  
7 disability, retirement or removal of justices of the Supreme Judicial Court and the Superior  
8 Court and judges of the District Court and the ~~probate courts~~ Probate Courts.

9           **Sec. B-3. 4 MRSA §57, first ¶**, as amended by PL 1999, c. 731, Pt. ZZZ, §2 and  
10 affected by §42, is further amended to read:

11           The following cases only come before the court as a court of law: Cases on appeal from  
12 the District Court, the Superior Court or a single Justice of the Supreme Judicial Court or  
13 from the ~~probate courts~~ Probate Court; questions of law arising on reports of cases,  
14 including interlocutory orders or rulings of such importance as to require, in the opinion of  
15 the justice, review by the Law Court before any further proceedings in the action; agreed  
16 statement of facts; cases presenting a question of law; all questions arising in cases in which  
17 equitable relief is sought; motions to dissolve injunctions issued after notice and hearing or  
18 continued after a hearing; questions arising on habeas corpus, mandamus and certiorari and  
19 questions of state law certified by the federal courts. They must be marked "law" on the  
20 docket of the county or district where they are pending, and there continued until their  
21 determination is certified by the Clerk of the Law Court to the Register of Probate or clerk  
22 of courts of the county and the court shall immediately after the decision of the question  
23 submitted to it make such order, direction, judgment or decree as is fit and proper for the  
24 disposal of the case, and cause a rescript in all civil actions, briefly stating the points therein  
25 decided, to be filed therein, which rescript must be certified by the Clerk of the Law Court  
26 to the Register of Probate or clerk of courts of the county or district where the action is  
27 pending and to the Reporter of Decisions. If no further opinion is written out, the reporter  
28 shall publish in the next volume of reports thereafter issued the case, together with such  
29 rescript, if the reporter deems the same of sufficient importance for publication.

30           **Sec. B-4. 4 MRSA §105, sub-§2, ¶A**, as enacted by PL 1999, c. 731, Pt. ZZZ, §3  
31 and affected §42, is amended to read:

32           A. Concurrent or exclusive jurisdiction is vested in the District Court or the Probate  
33 Court; or

34           **Sec. B-5. 4 MRSA §152, sub-§4**, as repealed and replaced by PL 2013, c. 21, §1,  
35 is amended to read:

36           **4. Exclusive jurisdiction.** Original jurisdiction, not concurrent with that of the  
37 Superior Court or Probate Court, of mental health commitment hearings under Title 34-B,  
38 chapter 3, subchapter 4; habitual truancy actions under Title 20-A, chapters 119 and 211  
39 under which equitable relief may be granted; and small claims actions under Title 14,  
40 chapter 738;

41           **Sec. B-6. 4 MRSA §152, sub-§5-A**, as amended by PL 2017, c. 402, Pt. C, §3 and  
42 affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

1           **5-A. Actions involving minors under Title 18-C.** Exclusive jurisdiction of actions  
2 for guardianship, adoption, change of name or other matters involving custody or other  
3 parental rights brought under Title 18-C if proceedings involving custody or other parental  
4 rights with respect to a minor child, including but not limited to adoption, divorce, parental  
5 rights and responsibilities, grandparents' rights, protective custody, change of name,  
6 guardianship, paternity, termination of parental rights and protection from abuse or  
7 harassment, are pending in the District Court.

8           A. The District Court presiding over any matter involving custody or other parental  
9 rights with respect to a minor child shall require all parties to disclose whether they  
10 have knowledge of:

11                 (1) Any interim or final order then in effect concerning custody or other parental  
12 rights with respect to the minor child;

13                 (2) Any proceeding involving custody or other parental rights with respect to the  
14 minor child currently filed or pending before any court of this State or another  
15 state, including before a ~~probate court in this State~~ the Probate Court; or

16                 (3) Any other related action currently filed or pending before any court of this  
17 State or another state, including before a ~~probate court in this State~~ the Probate  
18 Court.

19           B. If the District Court presiding over any matter involving custody or other parental  
20 rights with respect to a minor child becomes aware that a proceeding for guardianship,  
21 adoption or change of name or another matter involving custody or other parental rights  
22 with respect to the minor child is pending in a ~~probate court in this State~~ the Probate  
23 Court, the District Court shall notify the Probate Court and take appropriate action to  
24 facilitate a transfer of the matter from the Probate Court;

25           **Sec. B-7. 4 MRS §201** is repealed.

26           **Sec. B-8. 4 MRS §201-A** is enacted to read:

27           **§201-A. Establishment; court of record; seal; process; contempt power**

28           **1. Definition.** As used in this Title, unless the context otherwise indicates, "Probate  
29 Court" includes:

30                 A. Prior to January 1, 2025, each county Probate Court for which the term of the  
31 county's Probate Court Judge elected or appointed under the former Constitution of  
32 Maine, Article VI, Section 6 or elected under section 301-A, subsection 1 has not yet  
33 expired. This paragraph does not include any county probate court in which a vacancy  
34 occurs after January 1, 2023 due to the death, resignation, removal from the county or  
35 permanent incapacity as defined in Title 30-A, section 1, subsection 2-A of the elected  
36 county Probate Court Judge; and

37                 B. Beginning January 1, 2023, the Probate Court established under subsection 2,  
38 paragraph B in each county in which the term of the most recent county Probate Court  
39 Judge elected under the former Constitution of Maine, Article VI, Section 6 or under  
40 section 301-A, subsection 1 has expired or in which a vacancy occurs after January 1,  
41 2023 due to the death, resignation, removal from the county or permanent incapacity  
42 as defined in Title 30-A, section 1, subsection 2-A of the elected county Probate Court  
43 Judge.

1           **2. Establishment; court of record; seal.** The provisions of this section govern the  
2           Probate Court.

3           A. Each county Probate Court described in subsection 1, paragraph A, as heretofore  
4           established, is a court of record. The Register of Probate shall maintain custody of the  
5           official seal of the county Probate Court.

6           B. A Probate Court for the State is established on January 1, 2023 as a court of record  
7           in the counties described in subsection 1, paragraph B. The Chief Judge of the Probate  
8           Court shall establish the official seal of the court and provide the official seal to the  
9           Register of Probate in each county described in subsection 1, paragraph B.

10          **3. Process; contempt power.** The Probate Court may issue any process necessary for  
11          the discharge of official duties and may punish for contempt of the court's authority.

12          **Sec. B-9. 4 MRSA §202**, as amended by PL 1981, c. 456, Pt. A, §5, is further  
13          amended to read:

14          **§202. Oaths and acknowledgments**

15          All oaths required to be taken by personal representatives, trustees, guardians, or  
16          conservators, or of any other persons in relation to any proceeding in the ~~probate court~~  
17          Probate Court, or to perpetuate the evidence of the publication of any order of notice, may  
18          be administered by the ~~judge Probate Court Judge or register of probate~~ Register of Probate  
19          or any notary public. A certificate thereof, when taken out of court, ~~shall~~ must be returned  
20          into the registry of probate and there filed. When any person of whom such oath is required,  
21          including any parent acknowledging consent to an adoption, resides temporarily or  
22          permanently ~~without~~ outside of the State, the oath or acknowledgment may be taken before  
23          and be certified by a notary public ~~without the State~~ in another state, a commissioner for  
24          the State of ~~Maine~~ or a United States Consul.

25          **Sec. B-10. 4 MRSA §203** is amended to read:

26          **§203. Rights of claimants under heir**

27          Any person claiming under an heir at law has the same rights as the heir in all  
28          proceedings in ~~probate courts~~ Probate Court, including rights of appeal.

29          **Sec. B-11. 4 MRSA §251**, as corrected by RR 2015, c. 2, §1, is further amended to  
30          read:

31          **§251. General jurisdiction**

32          Each ~~judge~~ Probate Court may take the probate of wills and grant letters testamentary  
33          or of administration on the estates of all deceased persons who, at the time of their death,  
34          were inhabitants or residents of the ~~judge's~~ county in which the Probate Court is located or  
35          who, not being residents of the State, died leaving an estate to be administered in ~~the judge's~~  
36          that county, or whose estate is afterwards found therein; and has jurisdiction of all matters  
37          relating to the settlement of such estates. ~~A judge may grant leave to adopt children, change~~  
38          ~~the names of persons, appoint guardians for minors and others according to law and has~~  
39          ~~jurisdiction as to persons under guardianship, and as to whatever else is conferred by law,~~  
40          ~~except in cases in which the District Court has jurisdiction over a child pursuant to section~~  
41          ~~152, subsection 5-A. Except in cases in which the District Court has exclusive jurisdiction~~  
42          ~~over a child pursuant to section 152, subsection 5-A, each Probate Court has jurisdiction to~~  
43          the extent authorized in Title 18-C over adoptions, name change petitions, guardianships.

1 conservatorships and other protective arrangements; has jurisdiction to the extent  
2 authorized in Title 18-C as to persons under guardianship, conservatorship or other  
3 protective arrangements; and has jurisdiction over any other matter as provided by law.

4 **Sec. B-12. 4 MRSA §251-A**, as enacted by PL 2015, c. 460, §4, is amended to read:

5 **§251-A. Other proceedings involving parental rights; transfer to District Court**

6 **1. Disclosure of orders and proceedings.** ~~The judge of probate presiding over any~~  
7 ~~matter involving guardianship, adoption or change of name or another matter involving~~  
8 ~~custody or other parental rights with respect to a minor child~~ Probate Court shall require  
9 all parties in any matter involving guardianship, adoption or change of name or another  
10 matter involving custody or other parental rights with respect to a minor child to disclose  
11 whether they have knowledge of:

12 A. Any interim or final order then in effect concerning custody or other parental rights  
13 with respect to the minor child;

14 B. Any proceeding involving custody or other parental rights with respect to the minor  
15 child currently filed or pending before any court of this State or another state, including  
16 the District Court; or

17 C. Any other related action currently filed or pending before any court of this State or  
18 another state, including the District Court.

19 **2. Transfer to District Court.** If in a matter before the Probate Court concerning a  
20 minor child ~~a judge of probate~~ the Probate Court becomes aware that a proceeding  
21 involving custody or other parental rights with respect to the minor child is pending in the  
22 District Court, the ~~judge~~ Probate Court shall notify the District Court and take appropriate  
23 action to facilitate a transfer of the matter to the District Court.

24 **Sec. B-13. 4 MRSA §252** is amended to read:

25 **§252. Equity jurisdiction**

26 ~~The courts of probate shall have~~ Probate Court has jurisdiction in equity, concurrent  
27 with the Superior Court, of all cases and matters relating to the administration of the estates  
28 of deceased persons, to wills and to trusts ~~which that~~ are created by will or other written  
29 instrument. Such jurisdiction may be exercised upon complaint according to the usual  
30 course of proceedings in civil actions in which equitable relief is sought.

31 **Sec. B-14. 4 MRSA §253**, as amended by PL 2017, c. 402, Pt. C, §4 and affected  
32 by PL 2019, c. 417, Pt. B, §14, is further amended to read:

33 **§253. Jurisdiction in court where proceedings originate**

34 Subject to Title 18-C, sections 1-303 ~~and~~, 3-201, 5-106 and 9-104, and except as  
35 otherwise provided in Title 18-C, section 5-105, when a case is originally within the  
36 jurisdiction of the ~~probate court~~ Probate Court in 2 or more counties, the one that first  
37 commences proceedings ~~therein~~ retains the same exclusively throughout. The jurisdiction  
38 assumed in any case, except in cases of fraud, so far as it depends on the residence of any  
39 person or the locality or amount of property, may not be contested in any proceeding  
40 ~~whatever~~, except on an appeal or removal from the ~~probate court~~ Probate Court in the  
41 original case or when the want of jurisdiction appears on the same record.

42 **Sec. B-15. 4 MRSA §301**, as amended by PL 1995, c. 683, §1, is repealed.

1           **Sec. B-16. 4 MRSA §301-A** is enacted to read:

2           **§301-A. Judges; election or appointment; term; qualifications; salary; expenses; full-**  
3           **time duties**

4           **1. Election; term.** Probate Court Judges are elected to the county Probate Courts  
5 described in section 201-A, subsection 2, paragraph A as follows.

6           A. A county Probate Court Judge elected or appointed under the former Constitution  
7 of Maine, Article VI, Section 6 may serve until the expiration of that judge's term of  
8 office.

9           (1) A vacancy occurring during the term of a county Probate Court Judge elected  
10 on November 6, 2018 due to the death, resignation, removal from the county or  
11 permanent incapacity as defined in Title 30-A, section 1, subsection 2-A of the  
12 judge may be filled by the Governor by appointment. In the case of a vacancy in  
13 the term of a county Probate Court Judge who was nominated by primary election  
14 before the general election, the individual appointed by the Governor to fill the  
15 vacancy must be enrolled in the same political party as the judge whose term is  
16 vacant. In making the appointment, the Governor shall choose from any  
17 recommendations submitted to the Governor by the county committee of the  
18 political party from which the appointment is to be made. The term of the  
19 successor judge appointed by the Governor under this paragraph ends on December  
20 31, 2022.

21           (2) A vacancy occurring before January 1, 2023 during the term of a county Probate  
22 Court Judge elected on November 3, 2020 due to the death, resignation, removal  
23 from the county or permanent incapacity as defined in Title 30-A, section 1,  
24 subsection 2-A of the judge must be filled by election under paragraph B; in the  
25 meantime, the Governor may fill such a vacancy by appointment. In the case of a  
26 vacancy in the term of a county Probate Court Judge who was nominated by  
27 primary election before the general election, the individual appointed by the  
28 Governor to fill the vacancy must be enrolled in the same political party as the  
29 judge whose term is vacant. In making the appointment, the Governor shall choose  
30 from any recommendations submitted to the Governor by the county committee of  
31 the political party from which the appointment is to be made. The term of the  
32 successor judge appointed by the Governor under this paragraph ends on December  
33 31, 2022.

34           (3) Vacancies occurring after January 1, 2023 during the term of any county  
35 Probate Court Judge elected under the former Constitution of Maine, Article VI,  
36 Section 6 due to the death, resignation, removal from the county or permanent  
37 incapacity as defined in Title 30-A, section 1, subsection 2-A of the judge may not  
38 be filled.

39           B. A county Probate Court Judge must be elected in Androscoggin, Franklin, Knox and  
40 Penobscot counties, and in any county in which a vacancy described in paragraph A,  
41 subparagraph (2) occurs, by a plurality of the votes cast in the respective county at an  
42 election on the Tuesday following the first Monday of November in 2022. Each county  
43 Probate Court Judge elected under this subsection has a term of office of 2 years,  
44 commencing January 1, 2023. Vacancies occurring in offices governed by this  
45 paragraph due to the death, resignation, removal from the county or permanent

1            incapacity as defined in Title 30-A, section 1, subsection 2-A of the county Probate  
2            Court Judge may not be filled.

3            **2. Appointment; term.** Probate Court Judges are appointed to the state Probate Court  
4            established in section 201-A, subsection 2, paragraph B as follows.

5            A. The Governor, subject to review by the joint standing committee of the Legislature  
6            having jurisdiction over judiciary matters and to confirmation by the Legislature, shall  
7            appoint 4 judges for terms that commence no earlier than January 1, 2023. Each Probate  
8            Court Judge appointed under this paragraph has a term of office of 7 years.

9            B. Beginning January 1, 2023, if the Chief Justice of the Supreme Judicial Court  
10           determines that the number of Probate Court Judges appointed under paragraph A is  
11           insufficient to provide for the efficient administration of justice in the Probate Court  
12           established in section 201-A, subsection 2, paragraph B, the Chief Justice may request  
13           that the Governor appoint an additional judge. Upon receipt of a request from the Chief  
14           Justice under this paragraph, the Governor, subject to review by the joint standing  
15           committee of the Legislature having jurisdiction over judiciary matters and to  
16           confirmation by the Legislature, may appoint an additional judge to the Probate Court  
17           established in section 201-A, subsection 2, paragraph B. In no event may more than 9  
18           Probate Court Judges be appointed to the Probate Court established in section 201-A,  
19           subsection 2, paragraph B. Each Probate Court Judge appointed under this paragraph  
20           has a term of office of 7 years.

21           **3. Qualifications.** To be eligible for election or appointment as a Probate Court Judge,  
22           an individual must be a member of the bar of the State.

23           **4. Salary; expenses.** Each Probate Court Judge elected under subsection 1 or elected  
24           or appointed under the former Constitution of Maine, Article VI, Section 6 is entitled to  
25           receive an annual salary as established by the judge's county pursuant to Title 30-A, chapter  
26           3 and the fees provided in section 304. Beginning January 1, 2023 and except as provided  
27           in subsection 5 for the Chief Judge of the Probate Court, each Probate Court Judge  
28           appointed under subsection 2 is entitled to receive a salary equivalent to the salary of an  
29           Associate Judge of the District Court under section 157, subsections 4 and 4-A and to  
30           reimbursement by the State for expenses to the same extent that a District Court Judge is  
31           entitled to reimbursement by the State for expenses under section 157, subsection 5.

32           **5. Designation of Chief Judge; salary; expenses.** Beginning January 1, 2023, the  
33           Chief Justice of the Supreme Judicial Court shall designate one Probate Court Judge  
34           appointed under subsection 2 as the Chief Judge of the Probate Court. The Chief Judge is  
35           entitled to receive a salary equivalent to the salary of the Chief Judge of the District Court  
36           under section 157, subsection 2 and to reimbursement by the State for expenses to the same  
37           extent that a District Court Judge is entitled to reimbursement by the State for expenses  
38           under section 157, subsection 5.

39           **6. Full-time duties.** Beginning January 1, 2023, a Probate Court Judge appointed  
40           under subsection 2 shall devote full time to that Probate Court Judge's judicial duties.  
41           During that Probate Court Judge's term of office, that judge may not practice law or be the  
42           partner or associate of any person in the practice of law.



1            **7. Exception.** Subsection 6 does not apply to a county Probate Court Judge elected  
2 under subsection 1 or elected or appointed under the former Constitution of Maine, Article  
3 VI, Section 6.

4            **Sec. B-17. 4 MRSA §302**, as corrected by RR 2021, c. 1, Pt. B, §8, is amended to  
5 read:

6            **§302. Officers execute processes and attend courts**

7            Sheriffs, their deputies and constables shall execute all legal processes directed to them  
8 by ~~any such judge of probate~~ a Probate Court Judge, who may, when necessary, require  
9 such officer, when not in attendance upon any other court, to attend during the sitting of  
10 the ~~probate court~~ Probate Court, for which that officer must be paid as in other courts for  
11 similar services.

12            **Sec. B-18. 4 MRSA §303**, as amended by PL 1965, c. 238, is further amended to  
13 read:

14            **§303. Continuous session; return day for matters requiring public notice**

15            The Probate court Court shall always be open in each county for all matters over which  
16 it has jurisdiction, except upon days on which by law no court is held, but it shall have  
17 certain fixed days and places to be made known by public notification thereof in their  
18 respective counties to which all matters requiring public notice shall must be made  
19 returnable, except as otherwise ordered by the judge Probate Court Judge. In case of the  
20 absence of the judge or vacancy in the office at the time of holding any court, the register  
21 Register of Probate or acting register may adjourn the same until the judge can attend or  
22 some other probate judge another Probate Court Judge can be notified and attend.

23            **Sec. B-19. 4 MRSA §304**, as corrected by RR 2021, c. 1, Pt. B, §9, is amended to  
24 read:

25            **§304. Equity and contested cases; time and place of hearing**

26            ~~Judges of probate~~ The Probate Court may hold hearings for matters in equity and  
27 contested cases at such time and place in the county as the ~~judge of probate~~ Probate Court  
28 may appoint and make all necessary orders and decrees relating thereto, ~~and when hearings~~  
29 ~~are held at other places than those fixed for holding the regular terms of court, the judge is~~  
30 ~~allowed, in addition to that judge's regular salary, \$5 per day and actual expenses, which~~  
31 ~~must be paid by the State unless otherwise provided by law.~~

32            When a Probate Court in a county described in section 201-A, subsection 1, paragraph  
33 A holds a hearing in a place other than the place fixed for holding the regular terms of the  
34 court, the Probate Court Judge is allowed, in addition to that judge's regular salary, \$5 per  
35 day and actual expenses, which must be paid by the State unless otherwise provided by  
36 law.

37            **Sec. B-20. 4 MRSA §305**, as repealed and replaced by PL 1979, c. 41, is amended  
38 to read:

39            **§305. Term of Fort Kent and Caribou probate court**

40            ~~The judge of probate~~ Probate Court in and for the County of Aroostook shall hold a  
41 court ~~of probate~~ at least twice in each year at Fort Kent and at least 4 times each year at

1 Caribou in the county. The time for holding the court shall ~~must~~ be appointed by the judge  
2 and made known by public notification as provided in section 303.

3 **Sec. B-21. 4 MRSA §306**, as corrected by RR 2021, c. 1, Pt. B, §10, is amended to  
4 read:

5 **§306. Interchange of judicial duties; expenses**

6 ~~During the~~ With respect to a Probate Court Judge in a county described in section  
7 201-A, subsection 1, paragraph A, during a period of sickness; or absence from the State  
8 or inability of any the judge of probate to hold the regular terms of that judge's court, such  
9 the terms, at the judge's request or that of the register Register of Probate of the county,  
10 may be held by the judge of any other county any other Probate Court Judge. The judges  
11 Probate Court Judges in counties described in section 201-A, subsection 1, paragraph A  
12 may interchange service or perform each others' duties when they find it necessary or  
13 convenient, and in case of a vacancy in the office of a judge, all necessary terms of the  
14 probate court for the county may, at the request of the register, be held by the judge of  
15 another county until the vacancy is filled. The orders, decrees and decisions of the judge  
16 Probate Court Judge holding such terms have the same force and validity as if made by the  
17 judge Probate Court Judge of the county in which such terms are held.

18 When any judge of probate Probate Court Judge in a county described in section 201-A,  
19 subsection 1, paragraph A holds court or a hearing in any probate matter, or in equity, in  
20 any county other than the one in which that judge resides, that judge must be reimbursed  
21 by the county in which such court or hearing is held for that judge's expenses actually and  
22 reasonably incurred, upon presentation to the county commissioners of that county of a  
23 detailed statement of such expenses.

24 **Sec. B-22. 4 MRSA §307**, as corrected by RR 2021, c. 1, Pt. B, §11, is amended to  
25 read:

26 **§307. Conflict of interest; transfer of case**

27 When a judge Probate Court Judge or register of probate Register of Probate is  
28 interested in that judge's or register of probate's register's own right, trust, or in any other  
29 manner, or is within the degree of kindred, by which in law that judge or register of probate  
30 may, by possibility, be heir to any part of the estate of the person deceased, or is named as  
31 executor, trustee or guardian of minor children in the will of any deceased resident of the  
32 county, such estate must be settled in the probate court Probate Court of any adjoining  
33 county, which has as full jurisdiction thereof as if the deceased had died in that adjoining  
34 county. If the judge's or register of probate's register's interest arises after jurisdiction of  
35 such estate has been regularly assumed or existed at the time of the judge's or register of  
36 probate's register's appointment to office, and in all cases where when an executor,  
37 administrator, guardian or trustee, whose trust is not fully executed, becomes judge or  
38 register of probate for the county in which that judge's or register of probate's register's  
39 letters were granted, further proceedings in that county must be transferred to the probate  
40 court Probate Court in any adjoining county and there remain until completed, as if such  
41 court had had original jurisdiction thereof, unless said disability is removed before that  
42 time. Whenever in any case within under this section the disability of the judge or register  
43 is removed before the proceedings have been fully completed, the proceedings must then  
44 be transferred to the probate court Probate Court in the county of original jurisdiction or to  
45 the probate court Probate Court that otherwise would have had jurisdiction. In all such

1 cases the register in such adjoining county shall transmit copies of all records relating to  
2 such estate to the probate office of the county where such estate belongs, to be there  
3 recorded.

4 This section may not be construed to require removal to another county by reason of  
5 the ~~judge~~ Probate Court Judge or ~~register of probate~~ Register of Probate having been named  
6 as executor, trustee or guardian of minor children in a will, as long as the judge or register  
7 ~~of probate~~ does not receive a benefit from the will and the record of the court discloses the  
8 filing of the judge's or ~~register of probate's~~ register's declination to act as such executor,  
9 trustee or guardian, if no objection is raised by any interested party at the hearing on the  
10 petition for probate of the will.

11 A ~~judge~~ Probate Court Judge in a county described in section 201-A, subsection 1,  
12 paragraph A is considered to be interested in an estate or other probate proceeding,  
13 including adoptions, if the judge or a person with whom the judge practices law represents  
14 a party in the proceeding. When such representation begins, the judge shall transfer the  
15 matter as provided in this section, after which transfer the judge or the person with whom  
16 the judge practices law may continue such representation, except that, after a formal  
17 probate proceeding has been initiated before a judge, that judge is forever barred from  
18 assuming representation of a party in that same proceeding without regard to whether or  
19 not the proceeding has been transferred. A petition requesting a transfer and the petition  
20 related to the matter being transferred filed simultaneously are not considered formal  
21 probate proceedings for the purposes of this paragraph.

22 **Sec. B-23. 4 MRSA §308**, as corrected by RR 2021, c. 1, Pt. B, §12, is amended to  
23 read:

24 **§308. Certification of unfinished acts of predecessor judge**

25 Every ~~judge~~ Probate Court Judge in a county described in section 201-A, subsection 1,  
26 paragraph A, upon entering on the duties of that judge's office, shall examine the records,  
27 decrees, certificates and all proceedings connected therewith that the judge's predecessor  
28 left unsigned or unauthenticated. If the judge finds them correct, the judge shall sign and  
29 authenticate them and they are then as valid to all intents and purposes as if such duty had  
30 been done by the judge's predecessor while in office.

31 **Sec. B-24. 4 MRSA §309**, as corrected by RR 2021, c. 1, Pt. B, §13, is amended to  
32 read:

33 **§309. Judge not to counsel or draft documents**

34 A ~~judge of probate~~ Probate Court Judge may not have a voice in judging and  
35 determining or be attorney or counselor in or out of court in any civil action or matter that  
36 depends on or relates to any sentence or decree made by that judge ~~of probate~~ in that ~~judge~~  
37 ~~of probate's~~ judge's office, or in any civil action for or against any executor, administrator,  
38 guardian or trustee under any last will and testament, as such, within that ~~judge of probate's~~  
39 judge's county. Any process or proceeding commenced by a ~~judge of probate~~ Probate Court  
40 Judge in the ~~probate court for that judge of probate's county~~ Probate Court in violation of  
41 this section is void, and that judge ~~of probate~~ is liable to the party injured in damages. A  
42 ~~judge of probate~~ Probate Court Judge may not draft or aid in drafting any document or  
43 paper that the judge ~~of probate~~ is by law required to pass upon.

44 **Sec. B-25. 4 MRSA §310** is amended to read:

1           **§310. Perpetual care of cemetery lots by order**

2           ~~Judges of probate, in~~ In any case in which an estate is under ~~their~~ the Probate Court's  
3 jurisdiction for probate, shall have the power to the Probate Court exercising jurisdiction  
4 over the estate may order that an appropriate amount out of the estate be set aside for  
5 perpetual care and suitable memorials for the cemetery lot in which the deceased is buried,  
6 and to order special care of such lots when the conditions and size of the estate seem to  
7 warrant such order.

8           **Sec. B-26. 4 MRSA §311**, as enacted by PL 1969, c. 434, is amended to read:

9           **§311. Contracts for support**

10          All contracts for support for life ~~shall~~ must be approved by the Probate Court in the  
11 county in which the support for life is to be rendered. The Probate Court shall grant  
12 approval after such reasonable notice as the court ~~shall determine~~ determines to be  
13 appropriate, if the court ~~shall find~~ finds, after hearing, that the contract is just and equitable  
14 under all of the circumstances.

15          A contract or agreement for support for life without such Probate Court approval ~~shall~~  
16 may not be received in evidence unless the person offering the contract or agreement ~~shall~~  
17 establish establishes by a preponderance of the evidence that the contract or agreement is  
18 just and equitable under all of the circumstances.

19          This section ~~shall~~ does not apply to ~~such~~ contracts or agreements for support for life  
20 between persons related within the 3rd degree.

21          **Sec. B-27. 4 MRSA §312**, as enacted by PL 1993, c. 695, §1, is amended to read:

22          **§312. Political activities of judges of probate**

23          As a candidate for the elective office of ~~judge of probate~~ Probate Court Judge or as an  
24 elected ~~judge~~ Probate Court Judge in a county described in section 201-A, subsection 1,  
25 paragraph A, a person seeking or holding the office of ~~judge of probate~~ Probate Court Judge  
26 in a county described in section 201-A, subsection 1, paragraph A may engage in any  
27 political activity that would be lawful for a candidate for any other elected county office or  
28 for an incumbent elected county official. Any such judge may hold any other elected office  
29 or offices not made incompatible by the Constitution of Maine.

30          This section does not apply to a Probate Court Judge appointed under section 301-A,  
31 subsection 2.

32          **Sec. B-28. 4 MRSA c. 7, sub-c. 4**, as amended, is repealed.

33          **Sec. B-29. 4 MRSA §567**, as corrected by RR 2021, c. 1, Pt. B, §17, is amended to  
34 read:

35          **§567. No recording officer to be attorney or sue in own court nor draft nor aid in**  
36 **drafting paper to be recorded**

37          A clerk, register as defined in Title 18-C, section 1-201, subsection 4~~8~~ or recording  
38 officer of any court of the State may not be attorney or counselor in any civil action or  
39 matter pending in that court; neither may that person commence actions to be entered  
40 therein, or draft or aid in drafting any document or paper that that person is by law required  
41 to record, in full or in part. Violation of this section is a civil violation for which a fine not  
42 to exceed \$100 may be adjudged. Notwithstanding provisions of this section, clerks may

1 aid litigants in the preparation of small claims filings and registers may provide the  
2 assistance described in Title 18-C, section 1-510, subsection 2. Nothing prevents the clerk  
3 from rendering assistance of a general nature to the bar or the public.

4 **Sec. B-30. 4 MRSA §751**, as corrected by RR 2021, c. 1, Pt. B, §19, is amended to  
5 read:

6 **§751. Duties of reporters**

7 The ~~judge of any court of probate or court of insolvency~~ Probate Court may appoint a  
8 reporter to report the proceedings at any hearing or examination in that ~~judge's~~ court,  
9 whenever ~~that judge~~ the court considers it necessary or advisable. Such reporter must be  
10 sworn to a faithful discharge of that reporter's duty and, under the direction of the judge,  
11 shall take full notes of all oral testimony at such hearing or examination and such other  
12 proceedings at such hearing or examination as the judge directs; and when required by the  
13 judge shall furnish for the files of the court a correct typewritten transcript of that reporter's  
14 notes of the oral testimony of any person testifying at such hearing or submitting to such  
15 examination, and in making that transcript the reporter shall transcribe that reporter's notes  
16 in full by questions and answers.

17 **Sec. B-31. 4 MRSA §752**, as corrected by RR 2021, c. 1, Pt. B, §20, is amended to  
18 read:

19 **§752. Reading and signing transcript of testimony**

20 In cases when the person testifying or submitting to examination is required by law to  
21 sign that person's testimony or examination, the transcript made as provided in section 751  
22 must be read to the person whose testimony or examination it is, at a time and place to be  
23 appointed by the ~~judge~~ Probate Court, unless such person or that person's counsel in writing  
24 waives such reading. If it is found to be accurate, or if it contains errors or mistakes or  
25 alleged errors or mistakes and such errors or mistakes are either corrected or the  
26 proceedings had in relation to the same as provided, such transcript must be signed by the  
27 person whose testimony or examination it is. When the reading of a transcript is waived as  
28 provided by this section, such transcript must be considered correct. In all other cases the  
29 transcript need not be signed but must be considered to be complete and correct without  
30 signing and has the same effect as if signed.

31 **Sec. B-32. 4 MRSA §754**, as corrected by RR 2021, c. 1, Pt. B, §21, is amended to  
32 read:

33 **§754. Correction of mistakes in transcript**

34 Manifest errors or mistakes in any transcript may be corrected, under the direction of  
35 the ~~judge~~ Probate Court, according to the facts. When an error or mistake is alleged by the  
36 party conducting the hearing or examination or by that party's counsel, or by the person  
37 testifying or submitting to examination or by that person's counsel, and those parties cannot  
38 agree whether or not there is such an error or mistake as alleged, or what correction should  
39 be made, the judge shall decide whether or not such an error or mistake exists, and may  
40 allow or disallow a correction according as the judge may find the fact. In such case the  
41 judge shall annex to the transcript a certificate signed by the judge stating the alleged error  
42 or mistake and by whom alleged, and the correction allowed or disallowed. In case such  
43 parties mutually agree that there is an error or mistake in the transcript, and in like manner  
44 agree what the correction should be, the transcript may be corrected according to such

1 agreement, but such correction must be stated and made in the presence of the judge.  
2 Changes or alterations may not be made in any transcript except in the presence of the  
3 judge or the person appointed by the judge to take the examination.

4 **Sec. B-33. 4 MRSA §755** is amended to read:

5 **§755. Appointment of reporter by judge court**

6 When an examination is taken before ~~some~~ a person appointed by the judge Probate  
7 Court to take it, the judge court may appoint a reporter to attend such examination for the  
8 purposes mentioned in section 751, and the duties of such reporter ~~shall be~~ are the same as  
9 in examinations before the judge Probate Court Judge. The powers and duties of any person  
10 appointed by the judge court to take an examination ~~shall be~~ are the same at such  
11 examination as those of the judge, and the same proceedings for the correction or alteration  
12 of transcripts may be had before such person as before the judge.

13 **Sec. B-34. 4 MRSA §756** is amended to read:

14 **§756. Transcripts deemed original papers**

15 All transcripts made and signed as provided ~~shall be~~ in this subchapter are deemed  
16 original papers.

17 **Sec. B-35. 4 MRSA §757** is enacted to read:

18 **§757. Applicability; repeal**

19 **1. Applicability.** This subchapter applies to the Probate Court in each county  
20 described in section 201-A, subsection 1, paragraph A and does not apply to the state  
21 Probate Court established in section 201-A, subsection 2, paragraph B.

22 **2. Repeal.** This subchapter is repealed January 1, 2025.

23 **Sec. B-36. 18-C MRSA §1-201, sub-§8**, as enacted by PL 2017, c. 402, Pt. A, §2  
24 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

25 **8. Court.** "Court" Prior to January 1, 2025, "court" means any one of the several  
26 courts of probate of this State established as provided in Title 4, sections 201 and 202  
27 section 201-A, subsection 2.

28 This subsection is repealed January 1, 2025.

29 **Sec. B-37. 18-C MRSA §1-303**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
30 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

31 **§1-303. Venue; multiple proceedings; transfer**

32 **1. Court in county where proceeding first commenced.** If a proceeding under this  
33 Code could be maintained in more than one court county in this State, the court located in  
34 the county in which the proceeding is first commenced has the exclusive right to proceed.

35 **2. Multiple proceedings.** If proceedings concerning the same estate, protected person,  
36 ward or trust are commenced in more than one court courts located in more than one county  
37 of this State, the court located in the county in which the proceeding was first commenced  
38 shall continue to hear the matter, and the other courts located in the other counties shall  
39 hold the matter in abeyance until the question of venue is decided. If the ruling court

1 determines that venue is properly in another court, it shall transfer the proceeding to the  
2 other court.

3 **3. Transfer in the interest of justice.** If a court finds that in the interest of justice a  
4 proceeding or a file should be ~~located in~~ transferred to the court located in another ~~court~~  
5 county of this State, the court making the finding may transfer the proceeding or file to the  
6 ~~other court in the other county.~~

7 **Sec. B-38. 18-C MRSA §1-309**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
8 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

9 **§1-309. Judges**

10 A judge of the court must be chosen and shall serve as provided in Title 4, sections ~~301-~~  
11 301-A to 312.

12 This section is repealed January 1, 2025.

13 **Sec. B-39. 18-C MRSA §1-501**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
14 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

15 **§1-501. Election; bond; vacancies; salaries; copies; term**

16 **1. Election.** ~~Registers of probate are~~ The Register of Probate in each county is elected  
17 ~~or appointed as provided in the Constitution of Maine by a plurality of the votes cast in the~~  
18 respective county at the election on the Tuesday following the first Monday of November  
19 in the even-numbered year next preceding the expiration of the term of the incumbent  
20 register. The register shall hold office for 4 years, commencing on January 1st following  
21 the register's election. A ~~Except to the extent inconsistent with this section, a register's~~  
22 election is effected and determined as is provided for county commissioners by Title 30-A,  
23 chapter 1, subchapter 2, and a register's term commences on the first day of January  
24 following the register's election, except that the term of a register appointed to fill a vacancy  
25 commences immediately.

26 **2. Bond.** ~~A register~~ Register of Probate, before acting, shall give bond to the treasurer  
27 of the register's county with sufficient sureties in the sum of \$2,500, except that this sum  
28 must be \$10,000 for Cumberland County. ~~A~~ The register, having executed the bond, shall  
29 file the bond in the office of the county commissioners of the register's county, to be  
30 presented to the county commissioners at the next meeting for approval. After the bond is  
31 approved, the county commissioners shall retain a copy of the bond and deliver the original  
32 bond to the register, who shall deliver the original bond to the treasurer of the county within  
33 10 days after the bond's approval. Surety and fidelity insurance coverage provided by a  
34 public sector self-funded risk pool organized pursuant to Title 30-A, section 2253 in the  
35 sum ordered by the commissioners is deemed to comply with the requirements of this  
36 section.

37 **3. Vacancies.** ~~Vacancies~~ A vacancy caused by a Register of Probate's death,  
38 resignation, removal from the county, permanent incapacity as defined in Title 30-A,  
39 section 1, subsection 2-A or any other reason must be filled ~~as provided in the Constitution~~  
40 of Maine by a plurality of the votes cast in the affected county at the next general election.  
41 The term of a register elected to fill a vacancy commences on January 1st following the  
42 election. In the meantime, the Governor may fill such vacancy by appointment, and the  
43 register so appointed shall take office immediately and shall hold office until the

1 commencement of the term of the successor elected to fill the vacancy under this  
2 subsection. In the case of a vacancy in the term of a register who was nominated by primary  
3 election before the general election, the register appointed by the Governor to fill the  
4 vacancy until a successor is chosen at election must be enrolled in the same political party  
5 as the register whose term is vacant. In making the appointment, the Governor shall choose  
6 from any recommendations submitted to the Governor by the county committee of the  
7 political party from which the appointment is to be made.

8 **4. Salary.** A register is entitled to receive an annual salary as established by the  
9 register's county pursuant to Title 30-A, chapter 3. The salary of the register must be in  
10 full compensation for the performance of all duties required of the register.

11 **5. Copies and fees.** Registers may make copies of wills, accounts, inventories,  
12 petitions and decrees and furnish the copies to the persons requesting the copies and may  
13 charge a reasonable fee for that service, which is considered a fee for the use of the county.  
14 Fees for exemplified copies of the records of the probate of wills and the granting of  
15 administrations, guardianships and conservatorships; fees for copies of petitions and orders  
16 of notice for personal service; fees for appeal copies; and the statutory fees for abstracts  
17 and copies of the waivers of wills and other copies required to be recorded in the registry  
18 of deeds are considered official fees for the use of the county. This subsection may not be  
19 construed to change or repeal any provisions of law requiring the furnishing of certain  
20 copies without charge.

21 **Sec. B-40. 18-C MRSA §1-510, sub-§1, ¶A,** as enacted by PL 2017, c. 402, Pt.  
22 A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

23 A. Be an attorney or counselor in or out of court in an action or matter pending in the  
24 court ~~of~~ located in the county in which the register is register or in an appeal in such  
25 action or matter;

26 **Sec. B-41. 18-C MRSA §1-510, sub-§1, ¶B,** as enacted by PL 2017, c. 402, Pt.  
27 A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

28 B. Be an administrator, guardian, commissioner of insolvency, appraiser or divider of  
29 an estate, in a case within the jurisdiction of the court ~~of~~ located in the county in which  
30 the register is register, except as provided in Title 4, section 307, or be in any manner  
31 interested in the fees and emoluments arising from such an estate in that capacity;~~or.~~

32 This paragraph is repealed January 1, 2025;

33 **Sec. B-42. 18-C MRSA §1-510, sub-§2,** as enacted by PL 2017, c. 402, Pt. A, §2  
34 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

35 **2. Assistance in drafting.** Except as otherwise provided in this section, a register may  
36 not draft or aid in drafting documents or paper that the register is by law required to record  
37 in full or in part. A register may aid in drafting applications in informal proceedings,  
38 petitions or sworn statements relating to the closing of decedents' estates that have not been  
39 contested prior to closing, applications for change of name and petitions for guardians of  
40 minors. A register or an employee of a court may not charge fees or accept anything of  
41 value for assisting in the drafting of documents to be used or filed in the court ~~of~~ located in  
42 the county in which the person is the register or an employee.



1           **Sec. B-43. 18-C MRSA §1-511**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
2 affected by PL 2019, c. 417, Pt. B, §14, is amended by enacting a new first paragraph to  
3 read:

4           Each county shall provide all necessary printed blanks and record books for the court  
5 located in that county, and the record books may be printed to correspond with the printed  
6 blanks.

7           **Sec. B-44. Transition; election of Probate Court Judges.** Notwithstanding any  
8 provision of law to the contrary, the following provisions govern the election of Probate  
9 Court Judges in Androscoggin, Franklin, Knox and Penobscot counties under the Maine  
10 Revised Statutes, Title 4, section 301-A, subsection 1, paragraph B.

11           1. Signatures collected by a candidate on a primary petition pursuant to Title 21-A,  
12 section 335 to appear on the primary election ballot of a party for the office of Probate  
13 Court Judge under the former Constitution of Maine, Article VI, Section 6 in Androscoggin  
14 County, Franklin County, Knox County or Penobscot County are deemed to be signatures  
15 collected by that candidate to appear on the primary petition election ballot of that party  
16 for the office of Probate Court Judge under Title 4, section 301-A, subsection 1, paragraph  
17 B in the same county.

18           2. A primary petition accepted by the Secretary of State pursuant to Title 21-A, section  
19 337 for a candidate to appear on the primary election ballot of a party for the office of  
20 Probate Court Judge under the former Constitution of Maine, Article VI, Section 6 in  
21 Androscoggin County, Franklin County, Knox County or Penobscot County is deemed to  
22 be accepted by the Secretary of State for that candidate to appear on the primary election  
23 ballot of the party for the office of Probate Court Judge under Title 4, section 301-A,  
24 subsection 1, paragraph B in the same county.

25           3. Signatures collected by a candidate on a nomination petition pursuant to Title 21-A,  
26 section 354 to appear on the general election ballot for the office of Probate Court Judge  
27 under the former Constitution of Maine, Article VI, Section 6 in Androscoggin County,  
28 Franklin County, Knox County or Penobscot County are deemed to be signatures collected  
29 by that candidate to appear on the general election ballot for the office of Probate Court  
30 Judge under Title 4, section 301-A, subsection 1, paragraph B in the same county.

31           4. A nomination petition accepted by the Secretary of State pursuant to Title 21-A,  
32 section 356 for a candidate to appear on the general election ballot for the office of Probate  
33 Court Judge under the former Constitution of Maine, Article VI, Section 6 in Androscoggin  
34 County, Franklin County, Knox County or Penobscot County is deemed to be accepted by  
35 the Secretary of State for that candidate to appear on the general election ballot for the  
36 office of Probate Court Judge under Title 4, section 301-A, subsection 1, paragraph B in  
37 the same county.

38           **Sec. B-45. Transition; election of Registers of Probate.** Notwithstanding any  
39 provision of law to the contrary, the following provisions govern the election of a Register  
40 of Probate in 2022 under the Maine Revised Statutes, Title 18-C, section 1-501, subsection  
41 1.

42           1. Signatures collected by a candidate on a primary petition pursuant to Title 21-A,  
43 section 335 to appear on the primary election ballot of a party for the office of Register of  
44 Probate under the former Constitution of Maine, Article VI, Section 6 are deemed to be

1 signatures collected by that candidate to appear on the primary petition election ballot of  
2 that party for the office of Register of Probate under Title 18-C, section 1-501, subsection  
3 1 in the same county.

4 2. A primary petition accepted by the Secretary of State pursuant to Title 21-A, section  
5 337 for a candidate to appear on the primary election ballot of a party for the office of  
6 Register of Probate under the former Constitution of Maine, Article VI, Section 6 is deemed  
7 to be accepted by the Secretary of State for that candidate to appear on the primary election  
8 ballot of the party for the office of Register of Probate under Title 18-C, section 1-501,  
9 subsection 1 in the same county.

10 3. Signatures collected by a candidate on a nomination petition pursuant to Title 21-A,  
11 section 354 to appear on the general election ballot for the office of Register of Probate  
12 under the former Constitution of Maine, Article VI, Section 6 are deemed to be signatures  
13 collected by that candidate to appear on the general election ballot for the office of Register  
14 of Probate under Title 18-C, section 1-501, subsection 1 in the same county.

15 4. A nomination petition accepted by the Secretary of State pursuant to Title 21-A,  
16 section 356 for a candidate to appear on the general election ballot for the office of Register  
17 of Probate under the former Constitution of Maine, Article VI, Section 6 is deemed to be  
18 accepted by the Secretary of State for that candidate to appear on the general election ballot  
19 for the office of Register of Probate under Title 18-C, section 1-501, subsection 1 in the  
20 same county.

## 21 PART C

22 **Sec. C-1. 4 MRSA §17, sub-§2**, as amended by PL 1983, c. 269, §§1 and 9, is  
23 further amended to read:

24 **2. Examine the status of dockets.** Examine the status of dockets of all courts so as  
25 to determine cases and other judicial business that have been unduly delayed. From such  
26 reports, the administrator shall indicate which courts are in need of additional judicial  
27 personnel and make recommendations to the Chief Justice, to the Chief Justice of the  
28 Superior Court ~~and~~, to the Chief Judge of the District Court and to the Chief Judge of the  
29 Probate Court concerning the assignment or reassignment of personnel to courts that are in  
30 need of such personnel. The administrator shall also carry out the directives of the Chief  
31 Justice as to the assignment of personnel in these instances;

32 **Sec. C-2. 4 MRSA §17, sub-§5**, as amended by PL 1983, c. 269, §§2 and 9, is  
33 further amended to read:

34 **5. Prescribe uniform administrative and business methods, etc.** Prescribe uniform  
35 administrative and business methods, systems, forms, docketing and records to be used in  
36 the Supreme Judicial Court, in the Superior Court ~~and~~, in the District Court and in the  
37 Probate Court;

38 **Sec. C-3. 4 MRSA §17, sub-§7, ¶D**, as amended by PL 1997, c. 24, Pt. II, §1, is  
39 further amended to read:

40 D. Collects statistical and other data and makes reports to the Chief Justice, to the  
41 Chief Justice of the Superior Court ~~and~~, to the Chief Judge of the District Court and to  
42 the Chief Judge of the Probate Court relating to the expenditures of public money for  
43 the maintenance and operation of the Judicial Department;

1           **Sec. C-4. 4 MRSA §17, sub-§7, ¶E**, as amended by PL 1997, c. 24, Pt. II, §1, is  
2 further amended to read:

3           E. Develops and implements a uniform set of accounting and budgetary accounts,  
4 based on generally accepted fiscal and accounting procedures, for the Supreme Judicial  
5 Court, for the Superior Court ~~and~~, for the District Court and for the Probate Court; and

6           **Sec. C-5. 4 MRSA §17, sub-§17**, as amended by PL 2007, c. 240, Pt. YYY, §1, is  
7 further amended to read:

8           **17. Statement of fiscal effect on judicial system.** Apply the following requirements  
9 when the State Court Administrator prepares statements pertaining to the impact that  
10 executive orders and proposed legislation have upon judicial system resources, including  
11 the cost or savings to the judicial system. The State Court Administrator, in preparing such  
12 impact statements, shall make inquiry of the Chief Justice of the Superior Court, the Chief  
13 Judge of the District Court, the Chief Judge of the Probate Court, a statewide association  
14 of prosecuting attorneys, a statewide association of criminal defense attorneys, a statewide  
15 association of trial attorneys and any other parties, as appropriate, in order to provide the  
16 most accurate estimate of the judicial branch impact of such legislation, by fiscal year.

17           A. The State Court Administrator shall furnish the statements to the legislative staff  
18 office designated to collect and assemble fiscal information for use of legislative  
19 committees under Title 3, section 163-A, subsection 10 and to:

20                   (1) The Governor for judicial impact statements on executive orders; and

21                   (2) The appropriate committee of the Legislature for the information of its  
22 members for proposed legislation.

23           B. The statement on a particular executive order prepared by the State Court  
24 Administrator must be included in the executive order if the executive order has a fiscal  
25 impact on the judicial system, as determined by the State Court Administrator.

26           C. The statement on proposed legislation prepared by the State Court Administrator  
27 must be considered in the preparation of the fiscal note included in a committee  
28 amendment or other amendment if the legislation or amendment has a fiscal impact on  
29 the judicial system, as determined by the State Court Administrator.

30           **Sec. C-6. 4 MRSA §17-A, sub-§1**, as amended by PL 2017, c. 284, Pt. YYYY, §1,  
31 is further amended to read:

32           **1. Informational publications and record searches.** ~~The~~ Except as provided in Title  
33 18-C, section 1-511, the State Court Administrator may establish a fee schedule to cover  
34 the cost of printing and distribution of publications and forms, the procedures for the sale  
35 of these publications and forms and record searches performed by Judicial Department  
36 employees.

37           **Sec. C-7. 4 MRSA §18-A, sub-§3-A, ¶A**, as amended by PL 2019, c. 509, §2, is  
38 further amended to read:

39           A. For all fees collected by the Judicial Department after October 1, 2019, 9% must  
40 be deposited in the fund. This paragraph does not apply to fees imposed by the Probate  
41 Court or to fees dedicated under section 17-A or section 18-B, subsection 8 or to  
42 surcharges imposed pursuant to paragraph C.

1           **Sec. C-8. 4 MRSA §18-A, sub-§3-A, ¶B**, as amended by PL 2005, c. 361, §3, is  
2 further amended to read:

3           B. A surcharge of \$10 must be imposed by a court on each civil fine, ~~or~~ penalty ~~or~~  
4 ~~forfeiture~~ imposed by the court and deposited in the fund. This paragraph does not  
5 apply to civil fines or penalties imposed by the Probate Court.

6           **Sec. C-9. 4 MRSA §18-B, sub-§6, ¶C-1** is enacted to read:

7           C-1. The Chief Judge of the Probate Court or a designee;

8           **Sec. C-10. 4 MRSA §18-B, sub-§6, ¶F**, as enacted by PL 1995, c. 560, Pt. I, §3,  
9 is amended to read:

10           F. A Judge of the District Court, who is appointed by and serves at the pleasure of the  
11 Chief Justice of the Supreme Judicial Court; ~~and~~

12           **Sec. C-11. 4 MRSA §18-B, sub-§6, ¶F-1** is enacted to read:

13           F-1. A Judge of the Probate Court, who is appointed by and serves at the pleasure of  
14 the Chief Justice of the Supreme Judicial Court; and

15           **Sec. C-12. 4 MRSA §24, first ¶**, as amended by PL 1993, c. 675, Pt. C, §10, is  
16 further amended to read:

17           The State Court Administrator shall, subject to the approval of the Chief Justice,  
18 prepare biennially a consolidated operating budget for all courts in the State to be known  
19 as the Judicial Department operating budget. The Judicial Department operating budget  
20 may not include expenses related to the operation of county registries of probate or revenue  
21 from fees, fines or penalties collected by the Probate Court and allocated to the county  
22 pursuant to Title 18-C, sections 1-501, 1-511, 1-603 and 1-607 or any other provision of  
23 law. The administrator may be assisted in this task by the Chief Justice of the Superior  
24 Court ~~and~~, the Chief Judge of the District Court and the Chief Judge of the Probate Court.

25           **Sec. C-13. 4 MRSA §115, first ¶**, as corrected by RR 2009, c. 1, §4, is amended  
26 to read:

27           ~~In~~ Except as provided in section 301-C, in each county, the place for holding court is  
28 located in a building designated by the Chief Justice of the Supreme Judicial Court or the  
29 Chief Justice's designee, who, with the advice and approval of the Department of  
30 Administrative and Financial Services, Bureau of General Services, is empowered to  
31 negotiate, on behalf of the State, the leases, contracts and other arrangements the Chief  
32 Justice considers necessary, within the limits of appropriations and other funds available to  
33 the Supreme Judicial, Superior and District Courts, to provide suitable quarters, adequately  
34 furnished and equipped, for the Supreme Judicial, Superior or District Court in each county.  
35 The county commissioners in each county shall continue to provide for the use of the  
36 Supreme Judicial, Superior and District Courts such quarters, facilities, furnishings and  
37 equipment in existing county buildings as were in use by the Supreme Judicial and Superior  
38 Courts on January 1, 1976, without charge. The county commissioners are not required to  
39 provide without charge those quarters, facilities, furnishings and equipment in existing  
40 county buildings that were in use by the District Courts and were subject to a charge prior  
41 to January 1, 1976.

42           **Sec. C-14. 4 MRSA §301-B** is enacted to read:

1           **§301-B. Duties of Chief Judge**

2           The Chief Judge of the Probate Court is responsible to and under the supervision of the  
3 Chief Justice of the Supreme Judicial Court for the operation of the Probate Court and shall  
4 serve as Chief Judge at the pleasure of the Chief Justice. The Chief Judge shall:

5           **1. Hold court when necessary.** Hold court in any county described in section 201-A,  
6 subsection 1, paragraph B when the Chief Judge determines it necessary by reason of  
7 illness, absence or disability of the Probate Court Judge regularly assigned or by reason of  
8 an excessive case load in any county;

9           **2. Assign judges.** Assign Probate Court Judges to hold court in any county described  
10 in section 201-A, subsection 1, paragraph B where, in the judgment of the Chief Judge,  
11 they are needed;

12           **3. Days and hours for holding court.** Subject to the requirements of section 305, fix  
13 the days and hours for holding court in each county described in section 201-A, subsection  
14 1, paragraph B and provide public notification of such days and hours as provided in section  
15 303;

16           **4. Vacations.** Determine the time for the taking of vacations by each Probate Court  
17 Judge appointed under section 301-A, subsection 2;

18           **5. Records and reports.** Prescribe, subject to the approval of the Chief Justice of the  
19 Supreme Judicial Court or the Chief Justice's designee, the records to be kept and destroyed  
20 and the reports to be made by each Probate Court Judge appointed under section 301-A,  
21 subsection 2;

22           **6. Statistics.** Collect such statistics and other information pertaining to the business of  
23 the Probate Court as are requested by the Chief Justice of the Supreme Judicial Court or  
24 the Chief Justice's designee;

25           **7. Budget.** Utilizing such assistance from the Administrative Office of the Courts as  
26 the Chief Judge may request, prepare and submit a proposed annual budget for the Probate  
27 Court established in section 201-A, subsection 2, paragraph B to the Chief Justice of the  
28 Supreme Judicial Court or the Chief Justice's designee. The proposed annual budget for  
29 the Probate Court may not include expenses related to the operation of county registries of  
30 probate or revenue from fees, fines or penalties collected by the Probate Court and allocated  
31 to the county pursuant to Title 18-C, sections 1-501, 1-511, 1-603 and 1-607 or any other  
32 provision of law;

33           **8. Report.** Render to the Chief Justice of the Supreme Judicial Court an annual report  
34 on the state of business in the Probate Court and on the conferences held pursuant to  
35 subsection 10;

36           **9. Courtroom facilities.** Pursuant to section 301-C, make necessary arrangements for  
37 safe and accessible courtroom facilities in each county described in section 201-A,  
38 subsection 1, paragraph B; establish headquarters with appropriate facilities for the Chief  
39 Judge; and establish quarters and facilities for each Probate Court Judge appointed under  
40 section 301-A, subsection 2;

41           **10. Conference of judges.** Convene at least once annually at such place as the Chief  
42 Judge considers appropriate a conference of Probate Court Judges appointed under section  
43 301-A, subsection 2 to consider and take action upon or make recommendations with

1 respect to current problems in the operation of the Probate Court. The Chief Judge shall  
2 invite any county Probate Court Judge elected under section 301-A, subsection 1 whose  
3 term has not yet expired to attend the conference. The expenses of Probate Court Judges  
4 appointed under section 301-A, subsection 2 attending this conference are an expense of  
5 the Probate Court established in section 201-A, subsection 2, paragraph B;

6 **11. Development and implementation of administrative concepts.** Carry on a  
7 continuous survey and study of the organization, operation, condition of business, practice  
8 and procedure of the Probate Court and make recommendations to the Chief Justice of the  
9 Supreme Judicial Court concerning the number of judges and other personnel, other than  
10 personnel in the county registries of probate, required for the efficient administration of  
11 justice and examine, with the advice of the Probate Court Judges and Registers of Probate,  
12 the status of dockets of the various Probate Courts to determine whether the business of the  
13 court is being carried out in an efficient manner and that emergency matters are prioritized  
14 and addressed expediently. From such an examination, the Chief Judge shall annually  
15 make recommendations to the Chief Justice of the Supreme Judicial Court for guidelines  
16 and policies for the scheduling and trial of matters before the Probate Court. In providing  
17 recommendations, the Chief Judge shall give due and appropriate regard to the  
18 recommendations of the Probate Court Judges and the Registers of Probate and shall  
19 provide a mechanism whereby their individual recommendations and comments may be  
20 brought to the attention of the Chief Justice. The Chief Judge, in advising as to the  
21 appropriateness of the methods or systems for scheduling trials and the management of  
22 matters before the Probate Court, shall take into consideration systems and methods  
23 operational in the Superior Court and the District Court. The final decision as to the  
24 management of judicial branch personnel and the implementation of guidelines, policies  
25 and procedures for the scheduling of trials and management of matters before the Probate  
26 Court must be made by the Chief Justice only after consultation with the Chief Judge; and

27 **12. Other duties.** Perform such additional duties as may be assigned by the Chief  
28 Justice of the Supreme Judicial Court.

29 **Sec. C-15. 4 MRSA §301-C** is enacted to read:

30 **§301-C. Place for holding court**

31 **1. Place for holding court.** Except as otherwise required in section 305, in each county  
32 described in section 201-A, subsection 1, paragraph B, the Chief Judge of the Probate Court  
33 shall designate a place for holding court that is located, to the extent possible given the  
34 other requirements of this subsection, in the building holding the office of that county's  
35 Register of Probate. The Chief Judge, with the advice and approval of the Department of  
36 Administrative and Financial Services, Bureau of General Services, is empowered to  
37 negotiate on behalf of the State the leases, contracts and other arrangements the Chief Judge  
38 considers necessary, within the limits of the budget and funds available, to provide suitable  
39 quarters, adequately furnished and equipped for the Probate Court in each county.

40 If the Chief Judge is unable to negotiate the leases, contracts and other arrangements as  
41 provided in this subsection, the Chief Judge may, with the advice and approval of the  
42 Bureau of General Services, negotiate on behalf of the State the leases, contracts and other  
43 arrangements the Chief Judge considers necessary, within the limits of the budget and funds  
44 available, to provide suitable quarters, adequately furnished and equipped for the Probate  
45 Court in other publicly owned or privately owned buildings.

1           **2. Use of Superior Court and District Court facilities.** The facilities of the Superior  
2 Court and the facilities of the District Court in each county when the court is not in session  
3 must be available for use by the Probate Court in that county. Arrangements for such use  
4 must be made by the Chief Judge of the Probate Court.

5           **Sec. C-16. 4 MRSA §1201, sub-§12,** as amended by PL 2001, c. 12, §1, is further  
6 amended to read:

7           **12. Judge.** "Judge" means a Justice of the Supreme Judicial Court or the Superior  
8 Court, any Judge of the District Court, any Probate Court Judge appointed pursuant to  
9 section 301-A, subsection 2, any Administrative Court Judge or any Associate  
10 Administrative Court Judge who is actively serving as of December 1, 1984, or who is  
11 appointed subsequent to December 1, 1984, but does not include Active Retired Judges.

12 This subsection is repealed January 1, 2025.

13           **Sec. C-17. 4 MRSA §1552, sub-§1,** as enacted by PL 2013, c. 406, §1, is amended  
14 to read:

15           **1. Guardian ad litem roster.** The division shall assist the Chief Judge of the District  
16 Court and the Chief Judge of the Probate Court in the establishment and maintenance of a  
17 roster of guardians ad litem pursuant to section 1553.

18           **Sec. C-18. 4 MRSA §1552, sub-§2,** as enacted by PL 2013, c. 406, §1, is amended  
19 to read:

20           **2. Administration of guardians ad litem under ~~Title~~ Titles 18-C and 19-A.** For  
21 guardians ad litem appointed under ~~Title~~ Titles 18-C and 19-A, the division shall assist the  
22 Chief Judge of the District Court and the Chief Judge of the Probate Court in:

23           A. Establishing standardized billing, itemization requirements and time reporting  
24 processes for all guardians ad litem;

25           B. Establishing guidelines for preparation of required reports; and

26           C. Collecting, maintaining and reporting data about orders of appointment, submission  
27 of required reports, caseloads and other information as directed by the Chief Judge of  
28 the District Court or the Chief Judge of the Probate Court.

29           **Sec. C-19. 4 MRSA §1555, sub-§3,** as enacted by PL 2013, c. 406, §1, is amended  
30 to read:

31           **3. Payment for services; fees and billing; enforcement.** ~~The~~ Except as otherwise  
32 provided in Title 18-C, section 9-204, subsection 4, the order under subsection 2 must  
33 specify that payment for the services of the guardian ad litem is the responsibility of the  
34 parties, with the terms of payment specified in the order.

35           A. The fee arrangements in the order must specify hourly rates or a flat fee, the timing  
36 of payments to be made and by whom and the maximum amount of fees that may be  
37 charged for the case without further order of the court. If the payments ordered to be  
38 made before the guardian ad litem commences the investigation, if any, are not paid as  
39 ordered, the guardian ad litem shall notify the court, and the court may vacate the  
40 appointment order or take such other action it determines appropriate under the  
41 circumstances.

42           B. In determining the responsibility for payment, the court shall consider:

- 1 (1) The income of the parties;
- 2 (2) The marital and nonmarital assets of the parties;
- 3 (3) The division of property made or anticipated as part of the final divorce or
- 4 separation;
- 5 (4) Which party requested appointment of a guardian ad litem; and
- 6 (5) Other factors considered relevant by the court, which must be stated with
- 7 specificity in the appointment order.

8 C. The guardian ad litem shall use standardized billing, itemization requirements and  
9 time reporting processes as established by the division. The guardian ad litem may  
10 collect fees, if a collection action is necessary, pursuant to Title 14 and may not pursue  
11 collection in the action in which the guardian ad litem is appointed.

12 **Sec. C-20. 4 MRSA §1801**, as enacted by PL 2009, c. 419, §2, is amended to read:

13 **§1801. Maine Commission on Indigent Legal Services; established**

14 The Maine Commission on Indigent Legal Services, established by Title 5, section  
15 12004-G, subsection 25-A, is an independent commission whose purpose is to provide  
16 efficient, high-quality representation to indigent criminal defendants; juvenile defendants;  
17 indigent persons for whom counsel has been appointed under Title 18-C, Article 5; and  
18 children and parents in child protective and adoption cases, consistent with federal and state  
19 constitutional and statutory obligations. The commission shall work to ensure the delivery  
20 of indigent legal services by qualified and competent counsel in a manner that is fair and  
21 consistent throughout the State and to ensure adequate funding of a statewide system of  
22 indigent legal services, which must be provided and managed in a fiscally responsible  
23 manner, free from undue political interference and conflicts of interest.

24 **Sec. C-21. 4 MRSA §1802, sub-§4, ¶C**, as amended by PL 2019, c. 427, §1, is  
25 further amended to read:

26 C. Juvenile defendants; and

27 **Sec. C-22. 4 MRSA §1802, sub-§4, ¶C-1** is enacted to read:

28 C-1. In a guardianship, conservatorship or other protective arrangement proceeding,  
29 an indigent adult or minor respondent for whom counsel was appointed at public  
30 expense pursuant to Title 18-C, section 5-205, subsection 5; Title 18-C, section 5-210,  
31 subsection 7; Title 18-C, section 5-305, subsection 3; Title 18-C, section 5-406,  
32 subsection 1; or Title 18-C, section 5-507, subsection 1;

33 **Sec. C-23. 4 MRSA §1802, sub-§4, ¶C-2** is enacted to read:

34 C-2. In a guardianship, conservatorship or other protective arrangement proceeding  
35 involving a minor respondent, an indigent parent, guardian or petitioner for whom  
36 counsel was appointed at public expense pursuant to Title 18-C, section 5-205,  
37 subsection 4; Title 18-C, section 5-210, subsection 7; Title 18-C, section 5-406,  
38 subsection 3; or Title 18-C, section 5-507, subsection 3;

39 **Sec. C-24. 4 MRSA §1802, sub-§4, ¶C-3** is enacted to read:

40 C-3. An indigent parent in an adoption proceeding for whom counsel was appointed  
41 at public expense pursuant to Title 18-C, section 9-106 or an indigent parent or minor



1 adoptee in a proceeding for annulment of an adoption decree for whom counsel was  
2 appointed at public expense pursuant to Title 18-C, section 9-315, subsection 1,  
3 paragraph A; and

4 **Sec. C-25. 4 MRSA §1802, sub-§4, ¶D**, as enacted by PL 2019, c. 427, §2, is  
5 amended to read:

6 D. An indigent defendant or party or a juvenile for the purpose of filing, on behalf of  
7 that indigent defendant or party or juvenile, a petition for certiorari to the Supreme  
8 Court of the United States from an adverse decision of the Law Court on a case for  
9 which services were previously provided to that defendant or party or juvenile pursuant  
10 to paragraph A, B or C, C-1, C-2 or C-3.

11 **Sec. C-26. 4 MRSA §1802, sub-§5** is enacted to read:

12 **5. Register.** "Register" has the same meaning as in Title 18-C, section 1-201,  
13 subsection 48.

14 **Sec. C-27. 4 MRSA §1804, sub-§3, ¶D**, as enacted by PL 2009, c. 419, §2, is  
15 amended to read:

16 D. Develop criminal defense; child protective and adoption; guardianship,  
17 conservatorship and other protective arrangements; and involuntary commitment  
18 representation training and evaluation programs for attorneys throughout the State to  
19 ensure an adequate pool of qualified attorneys;

20 **Sec. C-28. 4 MRSA §1806, sub-§3**, as enacted by PL 2011, c. 547, §2, is amended  
21 to read:

22 **3. Confidential information disclosed by the Judicial Department and registers.**  
23 The Judicial Department and registers may disclose to the commission confidential  
24 information necessary for the commission to carry out its functions, including the collection  
25 of amounts owed to reimburse the State for the cost of assigned counsel, as follows:

26 A. Case information and individual client information with respect to court  
27 proceedings that are confidential by statute or court rule in which one or more parties  
28 are represented by assigned counsel; and

29 B. The name, address, date of birth and social security number of any person ordered  
30 by the court to reimburse the State for some or all of the cost of assigned counsel.

31 This information remains confidential in the possession of the commission and is not open  
32 to public inspection, except that the names of criminal defendants and the names of juvenile  
33 defendants charged with offenses that if committed by an adult would constitute murder or  
34 a Class A, Class B or Class C crime are not confidential.

35 **Sec. C-29. 4 MRSA c. 39** is enacted to read:

36 **CHAPTER 39**

37 **COURT VISITORS**

38 **§1901. Definitions**

1           As used in this chapter, unless the context indicates otherwise, the following terms  
2 have the following meanings.

3           **1. Court.** Prior to January 1, 2025, "court" means the state Probate Court established  
4 in section 201-A, subsection 2, paragraph B. Beginning January 1, 2025, "court" means  
5 the Probate Court established in section 407, subsection 1.

6           **2. Visitor.** "Visitor" means a person appointed to act as the court's agent pursuant to  
7 Title 18-C, section 5-304, 5-405 or 5-506.

8           **§1902. Roster of visitors**

9           Rules adopted by the Supreme Judicial Court govern the establishment and  
10 maintenance of a roster of individuals eligible for appointment as a visitor. The rules must  
11 address:

12           **1. Application process.** The process for applying to be included on the roster,  
13 including application forms;

14           **2. Criteria.** Criteria for initial listing on the roster, including:

15           A. Credentials, including professional licenses required, if any, and minimum  
16 education requirements;

17           B. Core training; and

18           C. Good character;

19           **3. Continuing education.** Continuing education requirements;

20           **4. Criminal background check.** Obtaining criminal history record information on an  
21 individual who seeks to be listed on the roster, including, at a minimum, criminal history  
22 record information from the Department of Public Safety, Bureau of State Police, State  
23 Bureau of Identification;

24           **5. Other requirements.** Any other requirements necessary to remain in good standing  
25 and included on the roster; and

26           **6. Removal.** The process for removing an individual from the roster.

27           **§1903. Visitor responsibilities**

28           **1. Standards of conduct.** Visitors shall abide by the standards of conduct as adopted  
29 by rule by the Supreme Judicial Court.

30           **2. General responsibilities.** An individual appointed by the court to serve as a visitor  
31 serves as the court's agent and is entitled to quasi-judicial immunity for acts performed  
32 within the scope of the duties of the visitor. As a quasi-judicial officer, the visitor shall  
33 perform the assigned duties independently and impartially in all relevant matters within the  
34 scope of the order of appointment, respecting the court's obligation to dispose of all judicial  
35 matters promptly, efficiently and fairly as provided in the Maine Code of Judicial Conduct.  
36 A visitor shall:

37           A. Understand and uphold the law and court orders related to the visitor's appointment;

38           B. Maintain the highest standards of professionalism, cultural sensitivity and ethics;

39           C. Plan, carry out, document and complete the visitor's duties as set forth in statute or  
40 court order in a timely fashion;

1 D. Communicate with the respondent in the manner the respondent is best able to  
2 understand, in light of the respondent's abilities, limitations and needs;

3 E. Make well-reasoned and factually based written recommendations as required by  
4 statute or directed by the order of appointment; and

5 F. Complete assignments and written reports in a timely manner and communicate  
6 effectively with the court in reports, recommendations and testimony.

7 **§1904. Appointment order; payment**

8 **1. Appointment of visitor.** An order appointing a visitor must specify the terms and  
9 conditions of the appointment as provided in the appointment statute, this chapter and rules  
10 adopted by the Supreme Judicial Court.

11 A. A court may appoint, without any findings, any individual listed on the roster.

12 B. When there is no suitable visitor on the roster that is available for appointment, a  
13 court may, for good cause shown, appoint an individual who, in the opinion of the  
14 appointing court, has the necessary skills and experience. For the purposes of this  
15 paragraph, good cause may include the appointment of a visitor on a pro bono basis.

16 **2. Order.** An appointment of a visitor must be by court order.

17 A. The appointment order must be written on a court-approved form and must specify  
18 the visitor's length of appointment and specific duties, including the filing of a written  
19 report.

20 B. The visitor has no authority to perform and may not be expected to perform any  
21 duties beyond those specified in the appointment order, unless subsequently ordered to  
22 do so by the court.

23 C. The visitor must be provided access to the respondent by any agency or person.

24 D. The visitor must provide to all parties of record copies of all reports filed by the  
25 visitor with the court.

26 E. The appointment order must specify the hearing or hearings at which the visitor must  
27 appear and be subject to cross-examination.

28 **3. Payment.** An order appointing a visitor must specify the fee arrangements,  
29 including whether the visitor's reasonable fees and expenses must be paid from the  
30 respondent's assets or, if the court finds the respondent indigent, by the State.

31 **§1905. Complaint process**

32 **1. Rules.** The Supreme Judicial Court shall provide by rule for a complaint process  
33 concerning visitors that provides for at least the following:

34 A. The ability of a party to make a complaint before the final judgment as well as after  
35 the final judgment is issued;

36 B. Written instructions on how to make a complaint;

37 C. Clear criteria for making a complaint;

38 D. Transparent policies and procedures concerning the investigation of complaints and  
39 the provision of information to complainants;

40 E. A central database to log and track complaints; and

1 F. Policies and procedures for using complaints and investigations for recommending  
2 the removal of a visitor from a particular case or other consequences or discipline.

3 **2. Complaint process.** The judicial branch shall provide written and electronic  
4 information to communicate the complaint process to the public and to all parties.

5 **3. Minor complaint option.** The rules may provide for a minor complaint option that  
6 authorizes corrective action without the necessity of completing the full complaint and  
7 investigatory process.

8 **4. Motion to remove.** The complaint process adopted pursuant to this section is in  
9 addition to the right of a party to file a motion to remove a visitor while the case is pending.  
10 The court shall hold a hearing on the motion at the request of the party filing the motion.  
11 The motion may be advanced on the docket and receive priority over other cases when the  
12 court determines that the interests of justice so require.

13 **Sec. C-30. 18-C MRSA §1-111**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
14 affected by PL 2019, c. 417, Pt. B, §14, is amended by amending the section headnote to  
15 read:

16 **§1-111. Guardian Children's guardians ad litem**

17 **Sec. C-31. 18-C MRSA §1-112** is enacted to read:

18 **§1-112. Payment of guardian ad litem or visitor appointed at public expense**

19 **1. Payment of guardian ad litem or visitor appointed at public expense.** If a  
20 guardian ad litem or a visitor is appointed in a proceeding under this Title and the order of  
21 appointment directs that all or part of the guardian ad litem's or visitor's fees must be paid  
22 at public expense, the public expense portion of the fees must be paid by the following.

23 A. If the court is located in a county described in Title 4, section 201-A, subsection 1,  
24 paragraph A, the county shall pay the public expense portion of the fees. If the court  
25 is located in a county described in Title 4, section 201-A, subsection 1, paragraph B,  
26 the State shall pay the public expense portion of the fees.

27 This paragraph is repealed January 1, 2025.

28 B. Beginning January 1, 2025, the State shall pay the public expense portion of the  
29 fees.

30 **Sec. C-32. 18-C MRSA §1-605**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
31 affected by PL 2019, c. 417, Pt. B, §14, is repealed and the following enacted in its place:

32 **§1-605. Compensation of court reporters**

33 **1. Compensation generally.** Court reporters appointed under Title 4, sections 751 to  
34 756 shall, if a transcript is requested by the court or a party, file the original transcript with  
35 the court and receive the same compensation as provided by law for temporary court  
36 reporters as well as mileage at the rate of 10¢ per mile.

37 **2. Transcripts for court files.** When furnishing a transcript for the files of the court,  
38 the court reporter must be paid at the rate prescribed by the Supreme Judicial Court, after  
39 the reporter's bill has been allowed by the judge of the court in which the services were  
40 rendered, by the following.

1           A. If the court is located in a county described in Title 4, section 201-A, subsection 1,  
2           paragraph A, the county shall pay the cost of the transcript. If the court is located in a  
3           county described in Title 4, section 201-A, subsection 1, paragraph B, the State shall  
4           pay the cost of the transcript.

5           This paragraph is repealed January 1, 2025.

6           B. Beginning January 1, 2025, the State shall pay the cost of the transcript.

7           **3. Exception; probate matters.** In probate matters, the personal representative,  
8           conservator or guardian shall, in each case out of the estate handled by that personal  
9           representative, conservator or guardian, pay to the register for the county the amount of the  
10           reporter's fees, giving the fees the same priority as provided in section 3-815 for other costs  
11           and expenses of administration, or as otherwise provided for in the case of insolvent estates.  
12           If the estate assets are not sufficient, the court may order payment by the following.

13           A. If the court is located in a county described in Title 4, section 201-A, subsection 1,  
14           paragraph A, the court may order the county to pay all or part of the reporter's fees. If  
15           the court is located in a county described in Title 4, section 201-A, subsection 1,  
16           paragraph B, the court may order the State to pay all or part of the reporter's fees.

17           This paragraph is repealed January 1, 2025.

18           B. Beginning January 1, 2025, the court may order the State to pay all or part of the  
19           reporter's fees.

20           **Sec. C-33. 18-C MRSA §5-119, sub-§1,** as amended by PL 2019, c. 417, Pt. A,  
21           §14, is further amended to read:

22           **1. Attorney for respondent.** Unless the court has made a finding that the respondent  
23           is indigent and has appointed an attorney for the respondent on that basis, an attorney for a  
24           respondent in a proceeding under this Act is entitled to reasonable compensation and  
25           reimbursement of reasonable expenses from the property of the respondent. If the court  
26           has made a finding that the respondent is indigent and has appointed an attorney for the  
27           respondent on that basis, the attorney's fees must be paid by the Maine Commission on  
28           Indigent Legal Services pursuant to Title 4, chapter 37.

29           **Sec. C-34. 18-C MRSA §5-205, sub-§4,** as enacted by PL 2017, c. 402, Pt. A, §2  
30           and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

31           **4. Appointment of counsel.** A nonconsenting parent whose parental rights have not  
32           been terminated is entitled to court-appointed legal counsel if indigent. In a contested  
33           action, the court may also appoint counsel for any indigent guardian or petitioner when a  
34           parent or legal custodian has counsel. If the court makes a finding that the nonconsenting  
35           parent, guardian or petitioner for whom an attorney is appointed under this subsection is  
36           indigent, the attorney's fees must be paid by the Maine Commission on Indigent Legal  
37           Services pursuant to Title 4, chapter 37.

38           **Sec. C-35. 18-C MRSA §5-205, sub-§5,** as enacted by PL 2017, c. 402, Pt. A, §2  
39           and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

40           **5. Attorney for a minor; notice to minor.** If the court determines at any stage of the  
41           proceeding, before or after appointment, that the interests of the minor are or may be  
42           inadequately represented, the court may appoint an attorney to represent the minor, giving  
43           consideration to the choice of the minor if the minor has attained 14 years of age. If the

1 court finds that the minor is indigent, the fees of an attorney appointed under this subsection  
2 must be paid by the Maine Commission on Indigent Legal Services pursuant to Title 4,  
3 chapter 37. A minor may appear with or through counsel, but the court is not restricted  
4 from requiring the minor to be present for some or all of a hearing or other proceeding. A  
5 minor 14 years of age or older must receive notice of any proceeding subsequent to the  
6 appointment of a guardian through the same means as required for any other party, and the  
7 minor may consent, object or otherwise participate in the proceeding.

8 **Sec. C-36. 18-C MRSA §5-210, sub-§7**, as amended by PL 2019, c. 417, Pt. A,  
9 §20, is further amended to read:

10 **7. Parent's petition to terminate guardianship; burden of proof.** A parent may  
11 bring a petition to terminate the guardianship of a minor. A parent's notification to the  
12 court of the revocation of prior consent for a guardianship must be considered a petition to  
13 terminate the guardianship. Before the court may apply the termination requirements in  
14 subsection 6, a party opposing a parent's petition to terminate a guardianship bears the  
15 burden of proving by clear and convincing evidence that the parent seeking to terminate  
16 the guardianship is currently unfit to regain custody of the minor, in accordance with the  
17 standard set forth in section 5-204, subsection 2, paragraph C. If the party opposing  
18 termination of the guardianship fails to meet its burden of proof on the question of the  
19 parent's fitness to regain custody, the court shall terminate the guardianship and make any  
20 further order that may be appropriate. In a contested action, the court may appoint counsel  
21 for the minor or for any indigent guardian or parent. If the court finds that the minor,  
22 guardian or parent for whom an attorney is appointed under this subsection is indigent, the  
23 appointed attorney's fees must be paid by the Maine Commission on Indigent Legal  
24 Services pursuant to Title 4, chapter 37. In ruling on a petition to terminate a guardianship,  
25 the court may modify the terms of the guardianship or order transitional arrangements  
26 pursuant to section 5-211.

27 **Sec. C-37. 18-C MRSA §5-305, sub-§3** is enacted to read:

28 **3. Payment.** If the court appointing an attorney under subsection 1 finds that the  
29 respondent is indigent, the appointed attorney's fees must be paid by the Maine  
30 Commission on Indigent Legal Services pursuant to Title 4, chapter 37.

31 **Sec. C-38. 18-C MRSA §5-406, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2  
32 and affected by PL 2019, c. 417, Pt. B, §14, is amended by adding at the end a new blocked  
33 paragraph to read:

34 The fees of an attorney appointed under this subsection must be paid by the Maine  
35 Commission on Indigent Legal Services pursuant to Title 4, chapter 37 if the court finds  
36 that the respondent is indigent.

37 **Sec. C-39. 18-C MRSA §5-406, sub-§3**, as enacted by PL 2017, c. 402, Pt. A, §2  
38 and affected by PL 2019, c. 417, Pt. B, §14, is amended by adding at the end a new blocked  
39 paragraph to read:

40 The fees of an attorney appointed under this subsection must be paid by the Maine  
41 Commission on Indigent Legal Services pursuant to Title 4, chapter 37 if the court finds  
42 that the parent is indigent.

1           **Sec. C-40. 18-C MRSA §5-507, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2  
2 and affected by PL 2019, c. 417, Pt. B, §14, is amended by adding at the end a new blocked  
3 paragraph to read:

4           The fees of an attorney appointed under this subsection must be paid by the Maine  
5 Commission on Indigent Legal Services pursuant to Title 4, chapter 37 if the court finds  
6 that the respondent is indigent.

7           **Sec. C-41. 18-C MRSA §5-507, sub-§3**, as enacted by PL 2017, c. 402, Pt. A, §2  
8 and affected by PL 2019, c. 417, Pt. B, §14, is amended by adding at the end a new blocked  
9 paragraph to read:

10           The fees of an attorney appointed under this subsection must be paid by the Maine  
11 Commission on Indigent Legal Services pursuant to Title 4, chapter 37 if the court finds  
12 that the parent is indigent.

13           **Sec. C-42. 18-C MRSA §9-106**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
14 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

15           **§9-106. Legal representation**

16           **1. Attorney for parents.** The parents are entitled to an attorney for any hearing held  
17 pursuant to this Article. If a parent or putative parent wants an attorney but is unable to  
18 afford one, the parent or the putative parent may request the court to appoint an attorney.  
19 If the court finds the requesting party indigent, the court shall appoint ~~and pay the~~  
20 ~~reasonable costs and expenses of the attorney of the indigent party~~ an attorney and the  
21 attorney's fees must be paid by the Maine Commission on Indigent Legal Services pursuant  
22 to Title 4, chapter 37. The attorney may not be the attorney for the adoptive parents.

23           **2. Attorney for minor indigent parent.** When the adoptee is unrelated to the  
24 petitioner, the court shall appoint an attorney who is not the attorney for the adoptive  
25 parents to represent a minor indigent parent at every stage of the proceedings unless the  
26 minor indigent parent refuses representation or the court determines that representation is  
27 unnecessary. The fees of an attorney appointed for a minor indigent parent under this  
28 subsection must be paid by the Maine Commission on Indigent Legal Services pursuant to  
29 Title 4, chapter 37.

30           **Sec. C-43. 18-C MRSA §9-315, sub-§1, ¶A**, as enacted by PL 2017, c. 402, Pt.  
31 A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

32           A. If the adoptee is a minor, the court shall appoint a guardian ad litem on behalf of  
33 the minor adoptee and shall consider the best interest of the child, taking into account  
34 the factors set forth in Title 19-A, section 1653, subsection 3. The court shall sustain  
35 the decree unless there is clear and convincing evidence of one or more bases for  
36 annulment and that the decree is not in the best interest of the child. The court may  
37 allocate the costs of the guardian ad litem to one or more of the parties or, if the parties  
38 are indigent, the court shall pay the reasonable costs and expenses of the guardian ad  
39 litem.

40           The court may allocate the costs of the guardian ad litem to one or more of the parties  
41 and may appoint counsel for a minor adoptee or a party to the annulment proceedings.  
42 If the court finds that the minor adoptee or the party for whom counsel is appointed  
43 under this paragraph is indigent, the appointed attorney's fees must be paid by the

1 Maine Commission on Indigent Legal Services pursuant to Title 4, chapter 37. A minor  
2 adoptee may appear and be represented by counsel.

3 If the court finds that the minor, guardian or parent for whom counsel is appointed  
4 under this paragraph is indigent, the appointed attorney's fees must be paid by the  
5 Maine Commission on Indigent Legal Services pursuant to Title 4, chapter 37.

6 **Sec. C-44. Effective date.** This Part takes effect January 1, 2023.

7 **PART D**

8 **Sec. D-1. 4 MRSA c. 7,** as amended, is repealed.

9 **Sec. D-2. 4 MRSA c. 7-A** is enacted to read:

10 **CHAPTER 7-A**

11 **PROBATE COURT**

12 **§407. Establishment; court of record; seal; process; contempt power**

13 **1. Establishment; court of record; seal.** A Probate Court for the State is established  
14 as a court of record. The Chief Judge of the Probate Court shall establish the official seal  
15 of the court and provide the official seal to the Register of Probate in each county.

16 **2. Process; contempt power.** The Probate Court may issue any process necessary for  
17 the discharge of official duties and may punish for contempt of the court's authority.

18 **§408. Oaths and acknowledgments**

19 All oaths required to be taken by personal representatives, trustees, guardians or  
20 conservators, or of any other persons in relation to any proceeding in the Probate Court, or  
21 to perpetuate the evidence of the publication of any order of notice, may be administered  
22 by the Probate Court Judge or Register of Probate or any notary public. A certificate  
23 thereof, when taken out of court, must be returned into the registry of probate and there  
24 filed. When any person of whom such oath is required, including any parent acknowledging  
25 consent to an adoption, resides temporarily or permanently outside of the State, the oath or  
26 acknowledgment may be taken before and be certified by a notary public in another state,  
27 a commissioner for the State or a United States Consul.

28 **§409. General jurisdiction; transfer of certain proceedings to District Court**

29 **1. Estates and trusts.** The Probate Court has jurisdiction in the following matters.

30 A. The Probate Court in each county may take the probate of wills and grant letters  
31 testamentary or of administration on the estates of all deceased persons who, at the time  
32 of their death, were inhabitants or residents of the county or who, not being residents  
33 of the county, died leaving an estate to be administered in the county, or whose estate  
34 is afterwards found in the county; and has jurisdiction of all matters relating to the  
35 settlement of such estates.

36 B. The Probate Court has jurisdiction in equity, concurrent with the Superior Court, of  
37 all cases and matters relating to the administration of the estates of deceased persons,  
38 to wills and to trusts that are created by will or other written instrument. Such



1 jurisdiction may be exercised upon complaint according to the usual course of  
2 proceedings in civil actions in which equitable relief is sought.

3 **2. Adoptions, name changes, guardianships, conservatorships and other**  
4 **protective arrangements.** The Probate Court has, to the extent authorized in Title 18-C,  
5 jurisdiction over adoptions, name change petitions, guardianships, conservatorships and  
6 other protective arrangements and has jurisdiction as to persons under guardianship,  
7 conservatorship or other protective arrangements, except in cases in which the District  
8 Court has exclusive jurisdiction over a child pursuant to section 152, subsection 5-A.

9 **3. Disclosure of orders and proceedings involving parental rights.** The Probate  
10 Court shall require all parties in any matter involving guardianship, adoption or change of  
11 name or another matter involving custody or other parental rights with respect to a minor  
12 child to disclose whether they have knowledge of:

13 A. Any interim or final order then in effect concerning custody or other parental rights  
14 with respect to the minor child;

15 B. Any proceeding involving custody or other parental rights with respect to the minor  
16 child currently filed or pending before any court of this State or another state, including  
17 the District Court; or

18 C. Any other related action currently filed or pending before any court of this State or  
19 another state, including the District Court.

20 **4. Transfer of certain proceedings to District Court.** If, in a matter before the  
21 Probate Court concerning a minor child, the Probate Court becomes aware that a  
22 proceeding involving custody or other parental rights with respect to the minor child is  
23 pending in the District Court, the Probate Court shall notify the District Court and take  
24 appropriate action to facilitate a transfer of the matter to the District Court.

25 **§410. Jurisdiction in court where proceedings originate**

26 Subject to Title 18-C, sections 1-303, 3-201, 5-106 and 9-104, and except as otherwise  
27 provided in Title 18-C, section 5-105, when a case is originally within the jurisdiction of  
28 the Probate Court in 2 or more counties, the one that first commences proceedings retains  
29 jurisdiction exclusively throughout. The jurisdiction assumed in any case, except in cases  
30 of fraud, so far as it depends on the residence of any person or the locality or amount of  
31 property, may not be contested in any proceeding except on an appeal or removal from the  
32 Probate Court in the original case or when the want of jurisdiction appears on the same  
33 record.

34 **§411. Judges; appointment; qualifications; remuneration; full-time duties**

35 **1. Appointment; term.** The Governor, subject to review by the joint standing  
36 committee of the Legislature having jurisdiction over judiciary matters and to confirmation  
37 by the Legislature, shall appoint to the Probate Court 9 judges. Each Probate Court Judge  
38 has a term of office of 7 years.

39 **2. Qualifications.** To be eligible for appointment as a Probate Court Judge, an  
40 individual must be a member of the bar of the State.

41 **3. Salary; expenses.** Except as provided in subsection 4 for the Chief Judge of the  
42 Probate Court, each Probate Court Judge is entitled to receive a salary equivalent to the  
43 salary of an Associate Judge of the District Court under section 157, subsection 4 and to

1 reimbursement by the State for expenses to the same extent that a District Court Judge is  
2 entitled to reimbursement by the State for expenses under section 157, subsection 5.

3 **4. Designation of Chief Judge; salary; expenses.** The Chief Justice of the Supreme  
4 Judicial Court shall designate one Probate Court Judge appointed under subsection 1 as the  
5 Chief Judge of the Probate Court. The Chief Judge of the Probate Court is entitled to  
6 receive a salary equivalent to the salary of the Chief Judge of the District Court under  
7 section 157, subsection 2 and to reimbursement by the State for expenses to the same extent  
8 that a District Court Judge is entitled to reimbursement by the State for expenses under  
9 section 157, subsection 5.

10 **5. Full-time duties.** A Probate Court Judge appointed under this section shall devote  
11 full time to that judge's judicial duties and, during that judge's term of office, may not  
12 practice law or be the partner or associate of any person in the practice of law.

13 **§412. Duties of Chief Judge**

14 The Chief Judge of the Probate Court is responsible to and under the supervision of the  
15 Chief Justice of the Supreme Judicial Court for the operation of the Probate Court and shall  
16 serve as Chief Judge at the pleasure of the Chief Justice. The Chief Judge shall:

17 **1. Hold court when necessary.** Hold court in any county when the Chief Judge  
18 determines it necessary by reason of illness, absence or disability of the Probate Court  
19 Judge regularly assigned or by reason of an excessive case load in any county;

20 **2. Assign judges.** Assign Probate Court Judges to hold court in any county where, in  
21 the judgment of the Chief Judge, they are needed;

22 **3. Days and hours for holding court.** Subject to the requirements of section 413,  
23 subsection 4, fix the days and hours for holding court in each county and provide public  
24 notification of such days and hours as provided in section 415;

25 **4. Vacations.** Determine the time for the taking of vacations by each Probate Court  
26 Judge;

27 **5. Records and reports.** Prescribe, subject to the approval of the Chief Justice of the  
28 Supreme Judicial Court or the Chief Justice's designee, the records to be kept and destroyed  
29 and the reports to be made by each Probate Court Judge;

30 **6. Statistics.** Collect such statistics and other information pertaining to the business of  
31 the Probate Court as are requested by the Chief Justice of the Supreme Judicial Court or  
32 the Chief Justice's designee;

33 **7. Budget.** Utilizing such assistance from the Administrative Office of the Courts as  
34 the Chief Judge may request, prepare and submit a proposed annual budget for the Probate  
35 Court to the Chief Justice of the Supreme Judicial Court or the Chief Justice's designee.  
36 The proposed annual budget for the Probate Court may not include expenses related to the  
37 operation of county registries of probate or revenue from fees, fines or penalties collected  
38 by the Probate Court and allocated to the county pursuant to Title 18-C, sections 1-501,  
39 1-511, 1-603 and 1-607 or any other provision of law;

40 **8. Report.** Render to the Chief Justice of the Supreme Judicial Court an annual report  
41 on the state of business in the Probate Court and on the conferences held pursuant to  
42 subsection 10;

1           **9. Courtroom facilities.** Pursuant to section 413, make necessary arrangements for  
2 safe and accessible courtroom facilities in each county; establish headquarters with  
3 appropriate facilities for the Chief Judge; and establish quarters and facilities for each  
4 Probate Court Judge;

5           **10. Conference of judges.** Convene at least once annually at such place as the Chief  
6 Judge considers appropriate a conference of Probate Court Judges to consider and take  
7 action upon or make recommendations with respect to current problems in the operation of  
8 the Probate Court. The expenses of Probate Court Judges attending this conference are an  
9 expense of the Probate Court;

10           **11. Development and implementation of administrative concepts.** Carry on a  
11 continuous survey and study of the organization, operation, condition of business, practice  
12 and procedure of the Probate Court and make recommendations to the Chief Justice of the  
13 Supreme Judicial Court concerning the number of judges and other personnel, other than  
14 personnel in the county registries of probate, required for the efficient administration of  
15 justice and examine, with the advice of the Probate Court Judges and Registers of Probate,  
16 the status of dockets of the various Probate Courts to determine whether the business of the  
17 court is being carried out in an efficient manner and that emergency matters are prioritized  
18 and addressed expediently. From such an examination, the Chief Judge shall annually  
19 make recommendations to the Chief Justice of the Supreme Judicial Court for guidelines  
20 and policies for the scheduling and trial of matters before the Probate Court. In providing  
21 recommendations, the Chief Judge shall give due and appropriate regard to the  
22 recommendations of the Probate Court Judges and the Registers of Probate and shall  
23 provide a mechanism whereby their individual recommendations and comments may be  
24 brought to the attention of the Chief Justice. The Chief Judge, in advising as to the  
25 appropriateness of the methods or systems for scheduling trials and the management of  
26 matters before the Probate Court, shall take into consideration systems and methods  
27 operational in the Superior Court and the District Court. The final decision as to the  
28 management of judicial branch personnel and the implementation of guidelines, policies  
29 and procedures for the scheduling of trials and management of matters before the Probate  
30 Court must be made by the Chief Justice only after consultation with the Chief Judge; and

31           **12. Other duties.** Perform such additional duties as may be assigned by the Chief  
32 Justice of the Supreme Judicial Court.

33 **§413. Probate Court regions; place for holding court**

34           **1. Probate Court regions.** The State is divided into 8 Probate Court regions, named  
35 and defined as follows:

36           A. Region 1 consists of York County;

37           B. Region 2 consists of Cumberland County;

38           C. Region 3 consists of Oxford, Franklin and Androscoggin counties;

39           D. Region 4 consists of Kennebec and Somerset counties;

40           E. Region 5 consists of Penobscot and Piscataquis counties;

41           F. Region 6 consists of Sagadahoc, Lincoln, Knox and Waldo counties;

42           G. Region 7 consists of Hancock and Washington counties; and

1           H. Region 8 consists of Aroostook County.

2           **2. Assignment.** The Chief Judge of the Probate Court shall assign at least one Probate  
3 Court Judge as the primary judge to hold court in each region.

4           **3. Place for holding court.** In each county within each region, the Chief Judge of the  
5 Probate Court shall designate a place for holding court that is located, to the extent possible  
6 given the other requirements of this subsection, in the building holding the office of that  
7 county's Register of Probate. The Chief Judge, with the advice and approval of the  
8 Department of Administrative and Financial Services, Bureau of General Services, is  
9 empowered to negotiate on behalf of the State the leases, contracts and other arrangements  
10 the Chief Judge considers necessary, within the limits of the budget and funds available, to  
11 provide suitable quarters, adequately furnished and equipped for the Probate Court in each  
12 county.

13 If the Chief Judge is unable to negotiate the leases, contracts and other arrangements as  
14 provided in this subsection, the Chief Judge may, with the advice and approval of the  
15 Bureau of General Services, negotiate on behalf of the State the leases, contracts and other  
16 arrangements the Chief Judge considers necessary, within the limits of the budget and funds  
17 available, to provide suitable quarters, adequately furnished and equipped for the Probate  
18 Court in other publicly owned or privately owned buildings.

19           **4. Exception; Aroostook County.** Notwithstanding subsection 3, the Chief Judge of  
20 the Probate Court shall secure facilities for the Probate Court in Region 8 to hold court at  
21 least 2 times each year at Fort Kent and at least 4 times each year at Caribou. The time for  
22 holding the court must be appointed by the Chief Judge of the Probate Court and made  
23 known by public notification as provided in section 415.

24           **5. Exception; alternative locations.** Notwithstanding subsection 3, the Probate Court  
25 may hold hearings for matters in equity and contested cases at such time and place in the  
26 county as the Probate Court may appoint and make all necessary orders and decrees relating  
27 thereto.

28           **§414. Officers execute processes and attend courts**

29           Sheriffs, their deputies and constables shall execute all legal processes directed to them  
30 by a Probate Court, which may, when necessary, require such officer, when not in  
31 attendance upon any other court, to attend during the sitting of the Probate Court, for which  
32 that officer must be paid as in other courts for similar services.

33           **§415. Continuous session; return day for matters requiring public notice**

34           The Probate Court is always open in each county for all matters over which it has  
35 jurisdiction, except upon days on which by law no court is held, but it shall have certain  
36 fixed days and places to be made known by public notification thereof in their respective  
37 counties to which all matters requiring public notice must be made returnable, except as  
38 otherwise ordered by the Chief Judge of the Probate Court. In case of the absence of the  
39 assigned Probate Court Judge at the time of holding any court, the Register of Probate or  
40 acting register may adjourn the same unless the Chief Judge of the Probate Court assigns  
41 another Probate Court Judge to attend.

42           **§416. Conflict of interest; transfer of proceeding**

1           **1. Probate Court Judge conflict of interest.** When a Probate Court Judge is  
2 interested in that judge's own right in a trust that is not fully executed, or in any other  
3 manner in an estate, or is within the degree of kindred by which in law that judge may, by  
4 possibility, be heir to any part of the estate of the person deceased, or is named as executor,  
5 trustee of a trust that is not fully executed or guardian of minor children in the will of any  
6 deceased resident of the county, the judge must be recused from any proceedings related to  
7 the trust or settlement of the estate unless said disability is removed.

8           This subsection may not be construed to require recusal by a Probate Court Judge who is  
9 named as executor, trustee or guardian of minor children in a will if the judge does not  
10 receive a benefit from the will and the record of the court discloses the filing of the judge's  
11 declination to act as such executor, trustee or guardian and if no objection is raised by any  
12 interested party at the hearing on the petition for probate of the will.

13           **2. Probate Court Judge not to draft documents.** A Probate Court Judge may not  
14 draft or aid in drafting any document or paper that the Probate Court Judge is by law  
15 required to pass upon.

16           **3. Register of Probate conflict of interest; transfer of proceeding.** When a Register  
17 of Probate is interested in that register's own right in a trust that is not fully executed, or in  
18 any other manner in an estate, or is within the degree of kindred by which in law that  
19 register may, by possibility, be heir to any part of the estate of the person deceased, or is  
20 named as executor, trustee of a trust that is not fully executed or guardian of minor children  
21 in the will of any deceased resident of the county, such estate must be settled in the Probate  
22 Court of any adjoining county, which has full jurisdiction thereof as if the deceased had  
23 died in that adjoining county. If the register's interest arises after jurisdiction over such  
24 estate has been assumed or existed at the time of the register's election to office, and in all  
25 cases where an executor, administrator, guardian or trustee, whose trust is not fully  
26 executed, becomes the Register of Probate for the county in which that register's letters  
27 were granted, further proceedings must be transferred to the Probate Court in any adjoining  
28 county and there remain until completed, unless said disability is removed before that time.  
29 Whenever in any case within this subsection the disability of the Register of Probate is  
30 removed before the proceedings have been fully completed, the proceedings must then be  
31 transferred to the Probate Court in the county of original jurisdiction or to the Probate Court  
32 that otherwise would have had jurisdiction. In all such cases the register in such adjoining  
33 county shall transmit copies of all records relating to such estate to the probate office of the  
34 county where such estate belongs, to be there recorded.

35           This subsection may not be construed to require removal to another county by reason of  
36 the Register of Probate having been named as executor, trustee or guardian of minor  
37 children in a will, if the register does not receive a benefit from the will and the record of  
38 the court discloses the filing of the register's declination to act as such executor, trustee or  
39 guardian and if no objection is raised by any interested party at the hearing on the petition  
40 for probate of the will.

41           **§417. Rights of claimants under heir**

42           Any person claiming under an heir at law has the same rights as the heir in all  
43 proceedings in Probate Court, including rights of appeal.

44           **§418. Perpetual care of cemetery lots by order**

1           In any case in which an estate is under the Probate Court's jurisdiction for probate, the  
2 Probate Court may order that an appropriate amount out of the estate be set aside for  
3 perpetual care and suitable memorials for the cemetery lot in which the deceased is buried  
4 and order special care of such lots when the conditions and size of the estate seem to warrant  
5 such order.

6           **§419. Contracts for support**

7           **1. Approval required.** All contracts for support for life must be approved by the  
8 Probate Court in the county in which the support for life is to be rendered. The Probate  
9 Court shall grant approval after such reasonable notice as the court determines to be  
10 appropriate, if the court finds, after hearing, that the contract is just and equitable under all  
11 of the circumstances.

12           **2. Admissibility in evidence.** A contract or agreement for support for life that has not  
13 been approved under subsection 1 may not be received in evidence unless the person  
14 offering the contract or agreement establishes by a preponderance of the evidence that the  
15 contract or agreement is just and equitable under all of the circumstances.

16           **3. Exception.** This section does not apply to contracts or agreements for support for  
17 life between persons related within the 3rd degree.

18           **§420. Commission To Evaluate the Incorporation of the Probate Court into the**  
19 **Judicial Branch**

20           **1. Commission established.** The Commission To Evaluate the Incorporation of the  
21 Probate Court into the Judicial Branch, referred to in this section as "the commission," is  
22 established.

23           **2. Membership.** The commission consists of 15 members appointed as follows:

24           **A.** Two members of the Senate appointed by the President of the Senate, including one  
25 member from each of the 2 parties holding the largest number of seats in the  
26 Legislature;

27           **B.** Three members of the House of Representatives appointed by the Speaker of the  
28 House of Representatives, including members from each of the 2 parties holding the  
29 largest number of seats in the Legislature;

30           **C.** Three members appointed by the Chief Justice of the Supreme Judicial Court;

31           **D.** One member who is a Probate Court Judge appointed by the Chief Justice of the  
32 Supreme Judicial Court;

33           **E.** One member who is a Register of Probate appointed by the Speaker of the House  
34 of Representatives;

35           **F.** One member who is a judicial branch clerk appointed by the Chief Justice of the  
36 Supreme Judicial Court;

37           **G.** One member who is a member of the Probate and Trust Law Advisory Commission,  
38 established pursuant to Title 5, section 12004-I, subsection 73-B, appointed by that  
39 commission;

40           **H.** One member who is a member of the Family Law Advisory Commission,  
41 established pursuant to Title 5, section 12004-I, subsection 52-A, appointed by that  
42 commission; and

1 I. Two members who are members of the Maine State Bar Association, one of whom  
2 is a member of a nonprofit organization providing statewide free legal services,  
3 appointed by the Speaker of the House of Representatives.

4 **3. Chairs; quorum.** The first-named Senate member is the Senate chair and the first-  
5 named House of Representatives member is the House chair of the commission. A quorum  
6 of the commission consists of 8 members.

7 **4. Appointments; convening of commission.** All appointments must be made no later  
8 than January 1, 2027. The appointing authorities shall notify the Executive Director of the  
9 Legislative Council once all appointments have been completed. After appointment of all  
10 members, the chairs shall call and convene the first meeting of the commission. If 30 days  
11 or more after January 1, 2027 a majority of but not all appointments have been made, the  
12 chairs may request authority and the Legislative Council may grant authority for the  
13 commission to meet and conduct its business.

14 **5. Duties.** The commission shall conduct a thorough review of the Probate Court  
15 system, including but not limited to the interaction between the state Probate Court and  
16 county registries of probate; the establishment and allocation of Probate Court fees; the  
17 Maine Commission on Indigent Legal Services' responsibility for oversight and payment  
18 of attorneys appointed by the Probate Court to represent indigent parties in Probate Court  
19 proceedings pursuant to Title 4, chapter 37; and the judicial branch's responsibility for  
20 oversight of visitors appointed by the Probate Court and for payment of court-appointed  
21 visitors when the Probate Court is allowed or directed by law to appoint a visitor at state  
22 expense. The review must include, but is not limited to, an evaluation of:

23 A. Whether the number of Probate Court Judge positions is appropriate or should be  
24 adjusted;

25 B. Whether the jurisdiction of the Probate Court, District Court and Superior Court  
26 should be adjusted to increase judicial efficiency and access to justice;

27 C. Whether the Chief Justice of the Supreme Judicial Court should be authorized to  
28 assign Probate Court Judges to sit in the Superior Court or the District Court and to  
29 assign Superior Court Justices and District Court Judges to sit in the Probate Court;

30 D. Whether additional investments should be made to enhance the compatibility of the  
31 Probate Court's case management system with the case management system used by  
32 the other courts in the judicial branch; and

33 E. Whether additional steps should be taken to more fully incorporate the Probate Court  
34 into the judicial branch, including whether to transfer the functions and staff of the  
35 county registries of probate into the judicial branch.

36 **6. Compensation.** Legislative members of the commission are entitled to receive the  
37 legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other  
38 necessary expenses for their attendance at authorized meetings of the commission. Public  
39 members not otherwise compensated by their employers or other entities that they represent  
40 are entitled to receive reimbursement of necessary expenses and, upon a demonstration of  
41 financial hardship, a per diem equal to the legislative per diem for their attendance at  
42 authorized meetings of the commission.

1            **7. Staffing.** The Legislative Council shall provide staff support for the operation of  
2 the commission, except that Legislative Council staff support is not authorized when the  
3 Legislature is in regular or special session.

4            **8. Information and assistance.** The Administrative Office of the Courts, the Chief  
5 Judge of the Probate Court and Registers of Probate shall provide to the commission the  
6 information and assistance requested by the commission that is necessary for the  
7 commission to perform its duties.

8            **9. Report.** No later than December 31, 2027, the commission shall submit a report  
9 that includes its findings and recommendations, which may include suggested legislation,  
10 for presentation to the joint standing committee of the Legislature having jurisdiction over  
11 judiciary matters. The joint standing committee may report out legislation related to the  
12 report to the 133rd Legislature.

13            **10. Repeal.** This section is repealed June 1, 2028.

14            **Sec. D-3. 4 MRSA §1201, sub-§12-C** is enacted to read:

15            **12-C. Judge.** "Judge" means a Justice of the Supreme Judicial Court or the Superior  
16 Court, any Judge of the District Court, any Probate Court Judge, any Administrative Court  
17 Judge or any Associate Administrative Court Judge who is actively serving as of December  
18 1, 1984, or who is appointed subsequent to December 1, 1984, but does not include Active  
19 Retired Judges.

20            **Sec. D-4. 18-C MRSA §1-201, sub-§8-A** is enacted to read:

21            **8-A. Court.** "Court" means the Probate Court established in Title 4, section 407,  
22 subsection 1.

23            **Sec. D-5. 18-C MRSA §1-309-A** is enacted to read:

24            **§1-309-A. Judges**

25            A judge of the court must be chosen and shall serve as provided in Title 4, chapter 7-A.

26            **Sec. D-6. 18-C MRSA §1-510, sub-§1, ¶B-1** is enacted to read:

27            B-1. Be an administrator, guardian, commissioner of insolvency, appraiser or divider  
28 of an estate, in a case within the jurisdiction of the court located in the county in which  
29 the register is register, except as provided in Title 4, chapter 7-A, or be in any manner  
30 interested in the fees and emoluments arising from such an estate in that capacity; or

31            **Sec. D-7. 21-A MRSA §1, sub-§11**, as enacted by PL 1985, c. 161, §6, is amended  
32 to read:

33            **11. County office.** "County office" means the office of ~~judge of probate~~, register of  
34 probate, county treasurer, register of deeds, sheriff, district attorney or county  
35 commissioner.

36            **Sec. D-8. 21-A MRSA §601, sub-§3**, as amended by PL 2021, c. 273, §10, is  
37 further amended to read:

38            **3. Order of offices.** The order of offices on the ballot is as follows: President, United  
39 States Senator, Governor, Representative to Congress, State Senator and Representative to  
40 the Legislature, and the county offices in the following order: ~~judge of probate~~, register of  
41 probate, county treasurer, register of deeds, sheriff, district attorney and county



1 commissioner, except that the order may be modified to allow ranked-choice contests to be  
2 printed on the opposite side of the ballot, separate from contests other than ranked-choice  
3 contests.

4 **Sec. D-9. Transition provision.** A Probate Court Judge appointed to the state  
5 Probate Court pursuant to the Maine Revised Statutes, Title 4, section 301-A, subsection 2  
6 prior to January 1, 2025 continues to serve as a Probate Court Judge in the Probate Court  
7 established in Title 4, chapter 7-A until the expiration of the term to which the judge was  
8 appointed.

9 **Sec. D-10. Effective date.** This Part takes effect January 1, 2025.

10 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
11 takes effect when approved, except as otherwise indicated.

## 12 SUMMARY

13 This bill implements the recommendations of the Commission To Create a Plan To  
14 Incorporate the Probate Courts into the Judicial Branch, referred to in this summary as "the  
15 commission." The report is available online at <https://legislature.maine.gov/doc/7703>.

16 Maine's county Probate Courts occupy a unique position in Maine's justice system.  
17 Unlike Maine's other trial courts, Probate Courts are not part of the state judicial branch  
18 and Probate Court Judges are not appointed by the Governor and confirmed by the  
19 Legislature. Instead, pursuant to the former Constitution of Maine, Article VI, Section 6,  
20 Probate Court Judges and Registers of Probate are elected to 4-year terms in each county.  
21 Although the caseload varies from county to county, it is generally understood that Maine's  
22 county Probate Court Judges serve on a part-time basis and, accordingly, they are  
23 authorized to engage in the practice of law.

24 In 1967, the Legislature passed Resolve 1967, chapter 77, which proposed an  
25 amendment to the Constitution of Maine that would repeal Article VI, Section 6 and would  
26 "become effective at such time as the Legislature by proper enactment shall establish a  
27 different Probate Court system with full-time judges." This constitutional amendment was  
28 approved by a majority of the voters of Maine on November 7, 1967. In its report, the  
29 commission recommended that the Legislature implement this constitutional amendment  
30 by establishing a new state Probate Court with full-time, appointed state Probate Court  
31 Judges. Part A of the bill sets out that it is the intent of the Legislature that the enactment  
32 of this legislation, which implements the commission's recommended new Probate Court  
33 system with full-time judges, will trigger the repeal of the Constitution of Maine, Article  
34 VI, Section 6 pursuant to Resolve 1967, chapter 77 on the date that this emergency  
35 legislation is approved.

36 Although this bill is intended to trigger the repeal of the Constitution of Maine, Article  
37 VI, Section 6, which provides for the election of probate judges, the commission did not  
38 recommend and the bill does not provide for the removal from office of any county Probate  
39 Court Judge prior to the expiration of the term to which the judge was previously elected  
40 under the Constitution. To avoid that result, the commission recommended a multiyear,  
41 multistep process for establishing a new state Probate Court with full-time judges. Part B  
42 of the bill, which is effective immediately, Part C of the bill, which is effective January 1,

1 2023, and Part D of the bill, which is effective January 1, 2025, implement this multiyear,  
2 multistep process as follows.

3 1. Parts B and D of the bill establish a state Probate Court within the judicial branch  
4 that is distinct from the District Court and Superior Court. By January 1, 2025, the state  
5 Probate Court will be staffed by 9 full-time judges appointed by the Governor and  
6 confirmed by the Legislature, including one judge assigned to serve as the primary judge  
7 in each of 8 new Probate Court regions that will be aligned with the State's 8 prosecutorial  
8 districts.

9 A. When the terms of the incumbent probate judges in Androscoggin, Franklin, Knox  
10 and Penobscot counties expire on December 31, 2022, they will be replaced by county  
11 Probate Court Judges elected to 2-year terms that will expire on December 31, 2024.  
12 Because the ballot-qualification process has already commenced, Part B of the bill  
13 provides that signatures collected by a candidate on a petition to qualify to appear on  
14 the primary or general election ballot for a county probate judge position established  
15 by the Constitution of Maine, Article VI, Section 6 in one of these counties are deemed  
16 to be signatures collected for that candidate to appear on the primary or general election  
17 ballot for the 2-year statutory Probate Court Judge positions established in the bill for  
18 that county.

19 B. When the terms of the incumbent probate judges in Cumberland, Hancock and  
20 Washington counties expire on December 31, 2022, they will be replaced by 4 new  
21 state Probate Court Judges appointed by the Governor and confirmed by the Legislature  
22 in the same manner that District Court Judges and Superior Court Justices are appointed  
23 and confirmed for terms that commence January 1, 2023. Although not reflected in the  
24 text of the bill, the commission also recommended that these judges be supported by  
25 one new law clerk, one new judicial administrative assistant and 4 new court marshals.

26 C. Beginning January 1, 2023, the 4 new state Probate Court Judges will preside over  
27 probate proceedings in Cumberland, Hancock and Washington counties while the  
28 remainder of the State's 16 counties will continue to be served by an elected county  
29 Probate Court Judge. If a judicial vacancy occurs in a county Probate Court after  
30 January 1, 2023 due to the death, resignation or retirement of the elected county Probate  
31 Court Judge, the vacant position will not be filled and jurisdiction over that county's  
32 probate matters will be transferred to the new state Probate Court. If the Chief Justice  
33 of the Supreme Judicial Court determines that the number of state Probate Court Judges  
34 is insufficient to provide for the efficient administration of justice in all of the counties  
35 served by the new state Probate Court, the Chief Justice may request that the Governor  
36 appoint an additional state Probate Court Judge. Although not reflected in the text of  
37 the bill, to ensure that funding is available for all of the new potential state judgeships  
38 as they arise, the commission also recommended that all 9 new state Probate Court  
39 Judge positions be funded through General Fund appropriations commencing on  
40 January 1, 2023.

41 D. When the terms of all remaining county Probate Court Judges expire on December  
42 31, 2024, they will be replaced by the number of new state Probate Court Judges  
43 necessary to achieve a full complement of 9 state Probate Court Judges. Although not  
44 reflected in the text of the bill, the commission also recommended that these new judges  
45 be supported by a 2nd law clerk and judicial administrative assistant and by 5 additional  
46 court marshals.

1 E. Although not reflected in the text of the bill, the commission also recommended  
2 that the judicial branch be authorized to hire an information technology specialist and  
3 a facilities manager as soon as possible, and that General Fund appropriations be  
4 provided for that purpose, to help the judicial branch prepare for the establishment of  
5 the state Probate Court on January 1, 2023.

6 2. Parts B, C and D of the bill direct the Chief Justice of the Supreme Judicial Court  
7 to designate one appointed state Probate Court Judge to serve as the Chief Judge of the  
8 Probate Court, who is charged with fulfilling administrative duties similar to the  
9 administrative duties of the Chief Justice of the Superior Court and Chief Judge of the  
10 District Court. These duties include facilitating the transition from the county Probate  
11 Court system to the state Probate Court system; creating the statewide Probate Court  
12 schedule; ensuring uniformity of court processes and procedures and that emergency  
13 matters are prioritized and addressed expediently; securing and ensuring the accessibility  
14 and safety of Probate Court facilities; and preparing annual reports on the business of the  
15 state Probate Court.

16 3. Parts C and D of the bill direct that state Probate Court proceedings be held in  
17 existing county Probate Court facilities if possible and require the Chief Judge of the  
18 Probate Court to negotiate leases, contracts or other arrangements between the counties and  
19 the judicial branch regarding the use of those facilities. When necessary, state District Court  
20 and Superior Court facilities may also be used for Probate Court proceedings.

21 4. Parts B, C and D of the bill preserve the county registries of probate.

22 A. Part B of the bill provides, by statute, for the election of county Registers of Probate  
23 under the same terms and conditions applicable to county register of probate elections  
24 under the Constitution of Maine, Article VI, Section 6, which will be repealed on the  
25 date that this emergency legislation is approved. Because the ballot-qualification  
26 process has already commenced, Part B of the bill provides that signatures collected  
27 by a candidate on a petition to qualify to appear on the primary or general election  
28 ballot this year for a register of probate position established by the Constitution of  
29 Maine, Article VI, Section 6 are deemed to be signatures collected for that candidate  
30 to appear on the primary or general election ballot this year for the same Register of  
31 Probate position established in the bill by statute.

32 B. Parts B, C and D of the bill further provide that, as each county transitions to the  
33 state Probate Court, that county should continue to retain all fees filed in state Probate  
34 Court proceedings in that county to offset the costs of maintaining its county registry  
35 of probate and of paying registry staff. These costs include, for example, the cost to  
36 maintain the current electronic management system for probate court records that the  
37 commission recommended retaining during the multiyear transition to the new state  
38 Probate Court system.

39 5. Part C of the bill provides that, beginning January 1, 2023, the Maine Commission  
40 on Indigent Legal Services is responsible for paying and for establishing the minimum  
41 experience, training and additional qualifications for attorneys appointed to represent  
42 indigent individuals at public expense in all state and county Probate Court proceedings.  
43 Although not reflected in the text of the bill, the commission further recommended that the  
44 Legislature provide new General Fund appropriations to the Maine Commission on  
45 Indigent Legal Services to cover the cost of these appointments.

1           6. Parts C and D of the bill require the judicial branch to establish the minimum  
2 experience, training and additional qualifications for court-appointed visitors in state  
3 Probate Court proceedings and to pay the expenses of both court-appointed visitors and  
4 court-appointed guardians ad litem in state Probate Court proceedings when the parties are  
5 indigent or the court is allowed or directed by law to pay these expenses. Although not  
6 reflected in the text of the bill, the commission recommended that the Legislature provide  
7 new General Fund appropriations to the judicial branch to cover the expenses associated  
8 with the new requirements. Part C of the bill clarifies that, if a guardian ad litem or visitor  
9 is appointed at public expense in a county Probate Court proceeding, the county remains  
10 responsible for paying the court-appointed professional's fees.

11           7. Finally, Part D of the bill establishes the Commission To Evaluate the Incorporation  
12 of the Probate Court into the Judicial Branch, a 15-member study group composed of the  
13 same categories of members appointed to the Commission To Create a Plan To Incorporate  
14 the Probate Courts into the Judicial Branch. Part D of the bill directs the new commission  
15 to conduct a thorough review of the new state Probate Court system in 2027, which must  
16 include, but is not limited to, evaluating whether the number of supported state Probate  
17 Court Judge positions proposed is appropriate or should be adjusted; whether the  
18 jurisdiction of the state Probate Court, District Court and Superior Court should be adjusted  
19 to increase judicial efficiency and access to justice; whether to authorize assignment of  
20 state Probate Court Judges to preside over District Court or Superior Court dockets to the  
21 same extent that the judges in the District Court and justices in the Superior Court are  
22 available for cross assignments; whether additional investments should be made to enhance  
23 the compatibility of the Probate Court and judicial branch electronic case management  
24 systems; and whether additional opportunities exist to advance toward the ultimate goal of  
25 fully incorporating the Probate Court system into the judicial branch. No later than  
26 December 31, 2027, the commission is required to submit a report that includes its findings  
27 and recommendations, which may include suggested legislation, for presentation to the  
28 joint standing committee of the Legislature having jurisdiction over judiciary matters. The  
29 joint standing committee may report out legislation related to the report to the 133rd  
30 Legislature.