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Date: (Filing No. S-)

JUDICIARY

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**STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 223, L.D. 505, “An Act to Update Processes and Fees in the Probate Court System”

Amend the bill by striking out all of sections 1, 2 and 3.

Amend the bill in section 4 in §1-602 in the first line (page 1, line 41 in L.D.) by inserting after the following: "fees" the following: 'exception'

Amend the bill in section 4 in §1-602 in the first indented paragraph in the first line (page 2, line 1 in L.D.) by inserting after the following: "15" the following: 'and except when the court grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure, Rule 91'

Amend the bill in section 4 in §1-602 in the first indented paragraph in the last line (page 2, line 2 in L.D.) by inserting after the following: "documents." the following: 'The register shall ensure that copies of the in forma pauperis application and affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to parties making requests as described in this section.'

Amend the bill by striking out all of sections 5 and 6 and inserting the following:

'Sec. 5. 18-C MRSA §1-607, sub-§1, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

1. Surcharge; exception. In addition to any other fees required by law, a register shall collect a surcharge of \$10 \$15 per petition, application or complaint, except for name changes, filed in the court unless the court grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure, Rule 91. The register shall ensure that copies of the in forma pauperis application and affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to parties filing petitions, applications or complaints in the court.

Sec. 6. 18-C MRSA §1-701, sub-§4, as amended by PL 2021, c. 250, §2, is further amended to read:

COMMITTEE AMENDMENT

1 **4. Filing fee.** The fee for filing a name change petition is ~~\$75~~ \$90 unless the court
2 grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure,
3 Rule 91. The register shall ensure that copies of the in forma pauperis application and
4 affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to
5 persons filing name change petitions with the court.'

6 Amend the bill by inserting after section 7 the following:

7 '**Sec. 8. 18-C MRSA §5-304, sub-§5** is enacted to read:

8 **5. Quasi-judicial immunity.** A person appointed by the court as a visitor acts as the
9 court's agent and is entitled to quasi-judicial immunity for acts performed within the scope
10 of the duties of the visitor.'

11 Amend the bill by inserting after section 8 the following:

12 '**Sec. 9. 18-C MRSA §5-506, sub-§6** is enacted to read:

13 **6. Quasi-judicial immunity.** A person appointed by the court as a visitor acts as the
14 court's agent and is entitled to quasi-judicial immunity for acts performed within the scope
15 of the duties of the visitor.'

16 Amend the bill by striking out all of sections 10 and 11 and inserting the following:

17 '**Sec. 10. 18-C MRSA §9-301, first ¶**, as enacted by PL 2017, c. 402, Pt. A, §2 and
18 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

19 Spouses or unmarried persons jointly or an unmarried person, whether resident or
20 nonresident of the State, may petition the court to adopt a person, regardless of age, and to
21 change that person's name. The fee for filing the petition is ~~\$65 plus~~ \$75 unless the court
22 grants a motion to proceed in forma pauperis under the Maine Rules of Probate Procedure,
23 Rule 91. The register shall ensure that copies of the in forma pauperis application and
24 affidavit required by the Maine Rules of Probate Procedure, Rule 91 are available to
25 persons filing petitions for adoption. If the court has not granted a motion to proceed in
26 forma pauperis, in addition to the filing fee, the petitioner or petitioners must pay:

27 **Sec. 11. 18-C MRSA §9-312**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected
28 by Pt. F, §1 and PL 2019, c. 417, Pt. B, §14, is amended to read:

29 **§9-312. Foreign adoptions**

30 If an adoption in a foreign country has been finalized and the adopting parents are
31 seeking an adoption under the laws of this State to give recognition to the foreign adoption,
32 a court may enter a decree of adoption based solely upon a judgment of adoption in a
33 foreign country and may order a change of name if requested by the adopting parents. The
34 fee for filing the petition is ~~\$55~~ \$70 unless the court grants a motion to proceed in forma
35 pauperis under the Maine Rules of Probate Procedure, Rule 91. The register shall ensure
36 that copies of the in forma pauperis application and affidavit required by the Maine Rules
37 of Probate Procedure, Rule 91 are available to parties filing petitions under this section.

38 **Sec. 12. Appropriations and allocations.** The following appropriations and
39 allocations are made.

40 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
41 **Office of Aging and Disability Services Adult Protective Services Z040**

1 Initiative: Provides funding for increased probate court filing fees.

2	GENERAL FUND	2025-26	2026-27
3	All Other	\$28,168	\$32,448
4			
5	GENERAL FUND TOTAL	<u>\$28,168</u>	<u>\$32,448</u>

6

7 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
8 number to read consecutively.

9

SUMMARY

10 This amendment, which is the majority report of the committee, makes the following
11 changes to the bill.

12 1. It removes the provision of the bill requiring that the filing fees throughout the Maine
13 Uniform Probate Code must be automatically adjusted for inflation after 2025.

14 2. It clarifies that parties subject to filing fees under the Maine Uniform Probate Code
15 must be provided an opportunity to file a motion under the Maine Rules of Probate
16 Procedure, Rule 91 for waiver of those fees and requires registers to ensure that copies of
17 the application and affidavit required to file a motion under Rule 91 are made available to
18 all persons who may be subject to a filing fee.

19 3. It removes the provision of the bill requiring parties that file a petition, motion or
20 other document with a probate court that is created with the assistance of artificial
21 intelligence technology to verify the accuracy of the petition, motion or other document
22 and authorizing the imposition of sanctions on parties that violate this requirement.

23 The amendment also clarifies that a visitor appointed by a probate court in a
24 guardianship or other protective arrangement proceeding is entitled to quasi-judicial
25 immunity for acts performed within the scope of the visitor's duties. Under the bill, only
26 visitors appointed by a probate court in conservatorship proceedings are entitled to quasi-
27 judicial immunity for acts performed within the scope of the visitor's duties.

28

FISCAL NOTE REQUIRED

29

(See attached)