

Commission to Create a Plan to Incorporate the Probate Courts into the Judicial Branch

A. Establishment of Probate Court Fees

1) Fees established by each county:

- Subject to county commissioner approval, the county Register establishes fees for “approved blanks, forms or schedule paper required in court proceedings.” [18-C M.R.S. §1-511](#).

2) Fees established by statute: *Citations are to Title 18-C of the Maine Revised Statutes*

§1-602(1)	Certification of devises of real estate, abstracts of petitions to appoint a personal representative or for an elective share or any other document to be filed in the registry of deeds	\$20 + the recording fee, which is ultimately paid to the Register of Deeds																																						
§1-602(2)	Petitions and applications for estates, including testate, intestate and foreign estates	<table border="1"> <thead> <tr> <th>Estate value</th> <th>Fee</th> </tr> </thead> <tbody> <tr> <td>≤ \$10,000</td> <td>\$40</td> </tr> <tr> <td>\$10,001 - \$20,000</td> <td>\$60</td> </tr> <tr> <td>\$20,001 - \$30,000</td> <td>\$75</td> </tr> <tr> <td>\$30,001 - \$40,000</td> <td>\$95</td> </tr> <tr> <td>\$40,001 - \$50,000</td> <td>\$125</td> </tr> <tr> <td>\$50,001 - \$75,000</td> <td>\$190</td> </tr> <tr> <td>\$75,001 - \$100,000</td> <td>\$250</td> </tr> <tr> <td>\$100,001 - \$150,000</td> <td>\$325</td> </tr> <tr> <td>\$150,001 - \$200,000</td> <td>\$375</td> </tr> <tr> <td>\$200,001 - \$250,000</td> <td>\$450</td> </tr> <tr> <td>\$250,001 - \$300,000</td> <td>\$500</td> </tr> <tr> <td>\$300,001 - \$400,000</td> <td>\$575</td> </tr> <tr> <td>\$400,001 - \$500,000</td> <td>\$625</td> </tr> <tr> <td>\$500,001 - \$750,000</td> <td>\$700</td> </tr> <tr> <td>\$750,001 - \$1,000,000</td> <td>\$750</td> </tr> <tr> <td>\$ 1,000,001 - \$1,500,000</td> <td>\$875</td> </tr> <tr> <td>\$1,500,001 - \$2,000,000</td> <td>\$950</td> </tr> <tr> <td>> \$200,000,000</td> <td>\$1200 + \$250 per ½ million</td> </tr> </tbody> </table>	Estate value	Fee	≤ \$10,000	\$40	\$10,001 - \$20,000	\$60	\$20,001 - \$30,000	\$75	\$30,001 - \$40,000	\$95	\$40,001 - \$50,000	\$125	\$50,001 - \$75,000	\$190	\$75,001 - \$100,000	\$250	\$100,001 - \$150,000	\$325	\$150,001 - \$200,000	\$375	\$200,001 - \$250,000	\$450	\$250,001 - \$300,000	\$500	\$300,001 - \$400,000	\$575	\$400,001 - \$500,000	\$625	\$500,001 - \$750,000	\$700	\$750,001 - \$1,000,000	\$750	\$ 1,000,001 - \$1,500,000	\$875	\$1,500,001 - \$2,000,000	\$950	> \$200,000,000	\$1200 + \$250 per ½ million
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§1-602(2)	Filing a will for no probate	\$15																																						
§1-602(2)	Filing a will for probate without an appointment	\$20																																						
§1-602(3)	Copies of court records ¹	\$1 per page																																						
§1-602(4)	Each certificate, under seal, of appointment and qualification for personal representatives, guardians, conservators or trustees	\$10 (or \$20 for a double certificate)																																						
§1-602(5)	Petition for appointment of a guardian	\$90																																						
§1-602(6)	Application for involuntary hospitalization	\$10																																						

¹ See also [18-C M.R.S. §1-505](#) (authorizing beneficiaries to obtain a copy of a probate will upon payment of a fee of \$1 per page, the same rate established in §1-602(3)). Compare [18-C M.R.S. §1-501\(5\)](#) (authorizing Registers to “make copies of wills, accounts, inventories, petitions and decrees and furnish the copies to the persons requesting the copies” and allowing Registers to “charge a reasonable fee for that service.”).

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§1-602(7)	Joint petition for appointment as a guardian and conservator	\$115
§1-602(8)	Petition for appointment of conservator	\$90
§1-602(9)	Petition for elective share	\$120
§1-602(10)	Subsequent informal appointments	\$50
§1-602(11)	Any other formal proceeding	\$50
§1-602(12)	Registration of a guardianship order from another state	\$50
§1-701	Petition for name change	\$75 + cost of criminal background check
§9-301	Petition for adoption and change of name	\$65 + cost of criminal background checks
§9-312	Petition to recognize a foreign adoption (and for a change of name)	\$55

- 3) **Fees established by Court Rule:** Rule 54A of the [Maine Rules of Probate Procedure](#) establishes the following fees:

Issuance of subpoena or summons	\$5 each
Certification and attestation of copies	\$5 each
Certificate, under seal of court ²	\$5 each
Filing notice of removal to the Superior Court	\$100 + a separate fee paid to Superior Court
Filing jurisdictional affidavit pursuant to M.R. Prob. 9	No charge
Request to transfer to District Court via M.R. Prob. 71-B	No charge
Filing notice of a domiciliary foreign conservator's appointment	\$25
Demand for notice	\$25
Filing notice of appeal to the Law Court	\$100 + a separate fee paid to District Court
Statutory will form	\$5
Writs and renewal of writs	\$25
Petition for Termination of Parental Rights	\$65
Surrender and Release of Child for Adoption	\$25
Consent of Non-Petitioning Parent for Adoption	\$25
Filing a claim against an estate	\$25
Filing a petition or complaint in a civil proceeding	\$120

4) **Statutory Surcharge:**

- [18-C M.R.S. §1-607](#) requires a register to “collect a surcharge of \$10 per petition, application or complaint, except for name changes, filed in the court.”

5) **Fees established by reference to District Court and Superior Court fees:**

- Under [18-C M.R.S. §1-608](#), if the fee for a certain procedure is not “specifically stated in statute or in the Rules of Probate Procedure published by the Supreme Judicial Court, the Probate Court shall charge the same fee charged by the District Court or the Superior Court for a similar procedure.”

² The \$5.00 fee for a certificate under seal of court in [M.R. Prob. P. 54A](#) matches the \$5.00 fee established by [18-C M.R.S. §1-602\(4\)](#) “for each certificate, under seal of court” regarding “appoint and qualification of a personal representative, guardian, conservator or trustee.”

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6) Fees established by the Supreme Judicial Court:

- The fee for obtaining a transcript of a proceeding under Title 18-C are “prescribed by the Supreme Judicial Court.” [18-C M.R.S. §1-606](#).³ Those fees vary from as high as \$5.75 per page if the person requesting the transcript needs the transcript within 1 day to as low as \$3.30 per page if the person requesting the transcript is willing to wait 30 days for preparation of the transcript. *See* <https://www.courts.maine.gov/programs/oto/index.html>.

B. Disposition of Probate Court Fees

Probate Court fees inure to the benefit of the county or to the benefit of the registry office:

- Pursuant to [18-C M.R.S. §1-501\(5\)](#), fees collected by Registers for copies of records “are considered official fees for the use of the county.”
- Pursuant to [18-C M.R.S. §1-603](#), the register must remit “all fees received by the register or payable to the register by virtue of the office” to the county treasurer.
- In addition, the “surcharge of \$10 per petition, application or complaint, except for name changes, filed in the [Probate] court” that must be collected by the register under [18-C M.R.S. §1-607](#) in addition to any applicable filing fee required by law must be transferred to the county treasurer for deposit in a separate, nonlapsing account that “must be used for the restoration, storage and preservation of the records filed in the office of the register and in the court” and may not be used “as general revenue of the county.”

³ *See also* [18-C M.R.S. §1-605](#) (requiring the county in which the court is held to pay for transcripts furnished for the files of the court unless the assets of a decedent’s estate or a respondent’s estate in a guardianship or conservatorship proceeding are sufficient to cover the costs of the transcript.”).