

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 \$40 \$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:

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**

Initiative: Provides funding for increased probate court filing fees.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$28,168	\$32,448
<b>GENERAL FUND TOTAL</b>	<b>\$28,168</b>	<b>\$32,448</b>

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

### SUMMARY

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

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

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

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

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

### FISCAL NOTE REQUIRED

(See attached)