



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 550

H.P. 369

House of Representatives, February 19, 2013

An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: BEAR of the Houlton Band of Maliseet Indians,
EVANGELOS of Friendship, FARNSWORTH of Portland, Senator: WOODBURY of
Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to reform the probate court system to require probate judges to be
6 appointed by the Governor and confirmed by the Senate. The Governor will appoint 16
7 probate judges, one to sit in each county, and each county will continue to pay the salary
8 of the probate judge and the expenses of the probate court and probate registry in that
9 county. The Maine Code of Judicial Conduct will apply to probate judges, therefore
10 prohibiting them from practicing law and receiving compensation in addition to their
11 salaries through fees or other payments. The Constitution of Maine, Article VI will apply
12 to probate judges.

13 This bill proposes that registers of probate, rather than being elected as provided in
14 the Probate Code, will be appointed by the probate judge in that county.

15 This bill proposes that registers of deeds, rather than being elected, will be appointed
16 by the county commissioners of the counties in which they serve.

17 This bill proposes that the probate courts, probate judges, registers of probate and
18 registers of deeds in all other aspects will continue to function as in current law.