
By Mr. Walsh, a petition (accompanied by bill, Senate, No. 2031) of Joseph B. Walsh for legislation to make certain changes in the law relative to the fees charged by the courts of the Commonwealth and the procedure for the waiver of such fees. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT TO MAKE CERTAIN CORRECTIVE CHANGES IN CERTAIN
GENERAL LAWS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 104 of Chapter 231 of the General Laws
2 as most recently amended by Section 4 of Chapter 539 of the
3 Acts of 1980, is hereby amended by striking out the first
4 sentence and inserting in place thereof the following sen-
5 tence: —

6 Any other party, a plaintiff against whom a claim, counter-
7 claim or cross-claim is brought, and a defendant who asserts
8 a compulsory counterclaim, may, provided that the amount
9 of the claim against such other party, the amount of the
10 claim, counterclaim or crossclaim brought against such plain-
11 tiff, or the amount of the compulsory counterclaim asserted
12 by such defendant, as the case may be, exceeds seven thou-
13 sand five hundred dollars, file in the district court in which
14 the action is pending a claim of trial by the Superior Court
15 together with *the sum of fifty dollars* for the entry of the
16 claim of each plaintiff in the Superior Court, and except as
17 provided in section one hundred and seven, a bond in the
18 penal sum of one hundred dollars in the Superior Court with
19 such surety or sureties as may be approved by the party or
20 parties not asserting such claim of trial by the Superior Court
21 or by the clerk or an assistant clerk of said District Court,
22 payable to the other party or parties, conditioned to satisfy
23 any judgment for costs which may be entered against him in
24 the Superior Court in said cause within thirty days after the

25 entry thereof.

1 SECTION 2. Chapter 261 of the General Laws is hereby
2 amended by striking out part b in the second paragraph of
3 Section 27A, as inserted by Section 5 of Chapter 539 of the
4 Acts of 1980, and inserting in place thereof the following
5 words: (b) a person whose income, after taxes, is one hun-
6 dred twenty-five percent or less of the current poverty
7 threshold annually established by the Community Services
8 Administration pursuant to section *six hundred twenty-four*
9 of the Economic Opportunity Act, as amended, or.

1 SECTION 3. Chapter 262 of the General Laws is hereby
2 amended by striking out the second paragraph of Section 2,
3 as most recently amended by Section 10 of Chapter 539 of the
4 Acts of 1980, and inserting in place thereof the following
5 paragraph: —

6 Unless otherwise provided in the General Laws, for the
7 entry of a complaint, petition or other action, twenty-five
8 dollars.

1 SECTION 4. Said Chapter 262 is hereby further amended by
2 striking out the fourth paragraph of Section 2, as most re-
3 cently amended by Section 10 of Chapter 539 of the Acts of
4 1980, and inserting in place thereof the following para-
5 graph: —

6 For the entry of a claim of trial by the Superior Court
7 under Section one hundred and four of Chapter two hundred
8 and thirty one, *fifty dollars*.

1 SECTION 5. Said Chapter 262 is hereby further amended by
2 striking out section 40, as most recently amended by section
3 13 of Chapter 539 of the Acts of 1980, and inserting in place
4 thereof the following section: —

5 For entry of a complaint for divorce or for affirming or
6 annulling marriage, *fifty dollars*.

7 For the entry of an action in equity, except such as relates
8 to adoption or the custody or support of minors, *fifty dollars*.

9 For the entry of an action for separate support, twenty-five
10 dollars.

11 For the entry of a petition for the probate of a will, for ad-
12 ministration on the estate of a person deceased intestate, of a
13 petition for administration of goods not already administered,
14 with the will annexed or otherwise, of a petition under section
15 thirty-five or thirty-six of chapter two hundred and nine by a
16 husband or wife for authority to convey land as if sole, of a
17 petition for partition, of a petition for change of name, of a
18 petition for leave to carry on the business of the deceased, and
19 for filing a representation of insolvency and for the entry of a
20 petition for the appointment of a special administrator, con-
21 servator, trustee, receiver of the estate of an absentee, or of a
22 guardian except when the petitioner certified that the ward's
23 estate does not exceed one hundred dollars, twenty-five dollars.

24 For the entry of a petition for the sale of real or personal
25 estate including sales of real estate subject to vested or con-
26 tingent remainders and petitions for sale of real estate or
27 removal of personal estate by foreign fiduciaries, of a petition
28 for determination of value, of a petition for leave to lease real
29 estate, of a petition for specific performance, of a petition for
30 leave to mortgage real estate, of a petition for release of dower
31 or curtesy, of a petition for letters to a foreign guardian, of a
32 petition for leave to compromise, and of a petition for leave to
33 pay debts, except when the petitioner or accountant certifies
34 that the estate does not exceed one thousand dollars in value,
35 twenty-five dollars.

36 For the entry of a general petition except such as relates to
37 adoption, or custody or support of minors, twenty-five dollars.

38 For the entry of petitions for the removal of a fiduciary,
39 for amendment of record except such as relates to separate
40 support, adoption, or custody or support of minors, for dis-
41 charge of surety, for new bond, for sale of burial lot, for erec-
42 tion of a monument and for new inventory, fifteen dollars each.

43 For filing a statement of voluntary administration pursuant
44 to Section 16 of Chapter 195 or a statement of voluntary ad-
45 ministration where an executor is named in a will pursuant to
46 Section 16A of Chapter 195, fifteen dollars.

47 For the petition or application for allowance of an account:
48 1. where the gross value accounted for in Schedule A is
49 one thousand dollars or less, no fee;

50 2. where said gross value is more than one thousand dollars
51 but less than ten thousand dollars, fifteen dollars a year, pro-
52 vided, however, that the fees shall not exceed sixty dollars
53 regardless of the time covered by the account;

54 3. where said gross value is not less than ten thousand
55 dollars but than one hundred thousand dollars, twenty-five
56 dollars for each year or major fraction thereof covered by such
57 account;

58 4. where said gross value is not less than one hundred
59 thousand dollars but less than five hundred thousand dollars,
60 thirty-five dollars for each year or major fraction thereof cov-
61 ered by such account;

62 5. where said gross value is not less than five thousand
63 dollars but less than one million dollars, fifty dollars for each
64 year or major fraction thereof covered by such account;

65 6. where said gross value is one million dollars or more,
66 one hundred dollars for each year or major fraction thereof
67 covered by such account.

68 For filing a motion for the framing of jury issues, fifty
69 dollars.

70 For filing a will for safekeeping, twenty dollars; provided
71 that no additional fee shall be charged for filing a will in sub-
72 stitution for a will previously filed and withdrawn.

73 For filing a bond, fifteen dollars.

74 For issuance of an injunction or temporary restraining order
75 in an action in equity, twenty-five dollars.

76 Notwithstanding the foregoing, no fee for the entry of an
77 action or for the issuance of a temporary restraining order or
78 injunction shall be charged to the commonwealth or a political
79 subdivision thereof.