

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1277

H. P. 929

House of Representatives, February 7, 1961

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Cox of Dexter.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Pretermitted Child under Wills.

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

R. S., c. 169, § 9, repealed. Section 9 of chapter 169 of the Revised Statutes is repealed as follows:

~~'Sec. 9. A child or his issue, having no devise, to take as heir. A child, or the issue of a deceased child not having any devise in the will, takes the share of the testator's estate which he would have taken if no will had been made, unless it appear that such omission was intentional, or was not occasioned by mistake, or that such child or issue had a due proportion of the estate during the life of the testator.~~

Upon the hearing on the petition for allowance of such will, or thereafter prior to allowance of the final account, upon special petition alleging the facts and after such reasonable notice as the judge of probate may order, evidence may be offered in the probate court and the judge of probate may determine as a fact that such omission was intentional or was not occasioned by mistake or that such child or issue had a due proportion of the estate during the life of the testator, from which decree an appeal will be to the supreme court of probate. Upon final judgment being entered, such child or issue shall be thereupon barred from claiming his said share in the testator's estate. A copy of such decree shall be filed in the registry of deeds in each county or district where real estate affected by it is located.'