

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1636

S. P. 673

In Senate, January 6, 1964

The Committee on Judiciary suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Farris of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FOUR

**AN ACT Permitting Complaint by a County Attorney for Discovery of Property
of Deceased Persons or Wards.**

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, present laws do not permit a complaint by a county attorney to discover the assets of deceased persons or the assets of wards; and

Whereas, such lack of statutory authority has resulted in the waste of assets to the detriment of those who are entitled to share the assets; and

Whereas, the following legislation is vitally necessary to prevent such waste and to discover facts which could prevent the concealment or embezzlement of such assets; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 154, § 90, amended. Section 90 of chapter 154 of the Revised Statutes is amended to read as follows:

‘Sec. 90. Discovery of estate of deceased persons. Upon complaint by a county attorney, an executor, administrator, heir, legatee, creditor or other person interested in the estate of a person deceased against anyone suspected of hav-

ing concealed, withheld or conveyed away any money, goods, effects or real estate of the deceased, or of having fraudulently received any such money, goods, effects or real estate, or of aiding others in so doing, the judge of probate may cite such suspected person to appear before him to be examined on oath in relation thereto, and he may require him to produce for the inspection of the court and parties, all books, papers or other documents within his control relating to the matter under examination; ~~such~~. **Such** examination shall not extend over a period of time exceeding 20 years before the time said complaint is filed in the probate court.'

Sec. 2. R. S., c. 158, § 34, amended. Section 34 of chapter 158 of the Revised Statutes is amended to read as follows:

'**Sec. 34. Persons cited and examined.** Upon complaint made to the judge of probate by any **county attorney**, guardian, conservator, ward, creditor or other person interested in the estate or having claims thereto in expectancy as heir or otherwise against anyone suspected of having concealed, embezzled or conveyed away any of the money, goods or effects of the ward, the judge may cite and examine such suspected person and proceed with him in the manner provided in relation to those suspected of embezzling the estates of deceased persons.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.