

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document


No. 1032

H.P. 755

House of Representatives, February 13, 1997

An Act to Simplify the Filing of Claims in Probate Estates.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FISK of Falmouth. (By Request)

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

4 **Sec. 1. 18-A MRSA §3-804, sub-§(4) is enacted to read:**

6 (4) When a decedent's estate has not been commenced at the
8 time a claimant wishes to present a claim, a claim is deemed
10 presented when the claimant files with the clerk of the court a
12 written statement of claim meeting the requirements of subsection
14 (1) and a demand for notice pursuant to section 3-204. The
16 provisions of subsection (3) apply upon the appointment of a
18 personal representative.

14 SUMMARY

16 This bill allows a creditor of a deceased person, whose
18 estate has not yet been filed, to present the creditor's claim in
20 a simple manner without requiring the creditor to initiate the
probate of the estate. Once the probate estate is filed and a
personal representative appointed, the personal representative
may disallow or allow the claim.