

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 30

In Senate, Jan. 15, 1913.

Laid on table for printing, on motion by Senator Morey of Androscoggin pending reference to the Committee on Legal Affairs in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT to Amend Section fourteen of Chapter eighty-nine of the Revised Statutes as amended by Section one of Chapter one hundred and eighty-six of the Public Laws of nineteen hundred and seven, relating to the limitation of actions against Executors and Administrators.

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

Section fourteen of chapter eighty-nine of the Revised
2 Statutes as amended by section one of chapter one hundred
3 and eighty-six of the public laws of nineteen hundred and
4 seven, is hereby further amended by inserting after the word
5 "commenced" in line twenty-six thereof, the words 'and

6 served,' so that said section, as amended, shall read as fol-
7 lows:

'Sect. 14. All claims against estates of deceased persons,
9 except for legacies and distributive shares and for labor and
10 material for which suits may be commenced under section
11 thirty-four of chapter ninety-three, shall be presented to the
12 executor or administrator in writing, or filed in the probate
13 court, supported by an affidavit of the claimant, or of some
14 other person cognizant thereof, within eighteen months af-
15 ter affidavit has been filed in the probate court that notice
16 has been given by said executor or administrator of his ap-
17 pointment; and no action shall be commenced against such
18 executor or administrator on any such claim until thirty days
19 after the presentation or filing of such claim as above pro-
20 vided. Any claim not so presented or filed shall be forever
21 barred against the estate, except as provided in sections fif-
22 teen, sixteen, eighteen and twenty-one of this chapter.

Actions against executors or administrators, on such claims,
24 if brought within one year after notice is given by them of
25 their appointment, shall be continued, without costs to either
26 party, until said year expires and be barred by a tender of
27 the debt within the year, except actions on claims not affected
28 by the insolvency of the estate and actions on appeal from
29 commissioners of insolvency or other commissioners ap-
30 pointed by the judge of probate. No action shall be main-
31 tained against an executor or administrator on a claim or
32 demand against the estate, except for legacies and distribu-

33 tive shares, and except as provided in sections fifteen and
34 seventeen, unless commenced and served within twenty
35 months after affidavit has been filed in the probate court as
36 provided in section forty-two of chapter sixty-six. Execu-
37 tors or administrators residing out of the state at the time
38 of giving notice of their appointment, shall appoint an agent
39 or attorney in the state, and insert therein his name and ad-
40 dress. Executors or administrators, removing from the
41 state, after giving notice of their appointment, shall appoint
42 an agent or attorney in the state and give public notice there-
43 of; service made on such agents or attorneys has the same
44 effect as if made on such executor or administrator. • When
45 an executor or administrator, residing out of the state, has
46 no agent or attorney in the state, service may be made on
47 one of his sureties in the same manner and with the same
48 effect as if made on him.'