

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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HOUSE

NO. 15

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House of Representatives, January 17, 1919.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Fagan of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT amending section 20 of chapter 80 of the revised statutes, relating to descent of personal property.

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

Section 1. Section 20 of chapter 80 of the revised statutes, relating to the descent of personal property is hereby amended so that as amended it shall read as follows:

'Sect. 20. The personal estate of an intestate, except that portion assigned to his widow by law and by the judge of probate, shall be applied first to the payment of his debts, funeral charges, and charges of settlement; and the residue shall be distributed or shall escheat by the rules provided

6 for the distribution of real estate, except as otherwise pro-  
7 vided herein.

‘If the deceased leaves no issue, the surviving husband or  
2 widow shall take five thousand dollars and one half of the  
3 remaining personal property and one-half of the remaining  
4 real property. If the personal property is insufficient to  
5 pay said five thousand dollars, the deficiency shall, upon  
6 the petition of any party in interest be paid from the sale  
7 or mortgage in the manner provided for the payment of  
8 debts or legacies, of any interest of the deceased in real  
9 property which he could have conveyed at the time of his  
10 death. And such surviving husband or wife shall be per-  
11 mitted, subject to the approval of the court, to purchase at  
12 any such sale, notwithstanding the fact that he or she is  
13 the administrator of the estate of such deceased person;  
14 provided, however, that instead of such sale or mortgage,  
15 whenever it shall appear, upon petition to the probate court  
16 of any party in interest, and after such notice as the court  
17 shall order, and after hearing thereon, that the whole  
18 amount of the estate of such deceased husband or wife, as  
19 found by the inventory and upon such other evidence as  
20 the court shall deem necessary, does not exceed the sum  
21 of five thousand dollars over and above the amount neces-  
22 sary to pay the debts and the charges of administration,  
23 the court may, by decree, itself assign and set out the real  
24 estate of said deceased to such surviving husband or wife  
25 to provide for said deficiency at a value to be fixed by said

26 court, without other notice than is above provided, which  
27 decree shall be binding upon all parties. A further sale,  
28 mortgage or assignment of any other real estate of the de-  
29 ceased may later be made to provide for any deficiency still  
30 remaining. If the deceased leaves issue, a surviving hus-  
31 band or widow shall take one-third of the remaining per-  
32 sonal property and one-third of the remaining real property.'