

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 442

H. P. 1285 House of Representatives, February 21, 1929.

Referred to Committee on Revision of Statutes and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Holman of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT Relative to Guardians and Conservators.

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

Section 1. Chapter seventy-two of the public laws of nine-
2 teen hundred twenty-seven is hereby amended by inserting
3 after the word "guardian" in the second line of said section
4 the words 'or conservator,' so that said section as amended
5 shall read as follows:

'Transfer of proceedings to county of original jurisdiction
2 *when disability of judge is removed.* In all cases where the
3 appointment of a guardian or conservator has been, or is,
4 made by a judge of probate in any adjoining county, or
5 the administration of a ward's estate has been, or is, trans-

6 ferred to any adjoining county by reason that the judge of
7 probate of the county where the ward or wards reside is
8 interested either in his own right, in trust, or in any other
9 manner, or is within the sixth degree of kindred, whenever
10 the disability of the judge of probate is removed before the
11 proceedings have been fully completed the proceedings shall
12 then be transferred to the probate court which otherwise
13 would have had jurisdiction or to the probate court of orig-
14 inal jurisdiction for the completion of the administration
15 of such estate, and in all such cases the register in such ad-
16 joining county shall transmit copies of all records relating
17 to such estate to the probate office of the county where such
18 estate belongs to be there recorded.'

Sect. 2. Section thirteen of chapter seventy-two of the
2 revised statutes is hereby amended by striking out the whole
3 of said section and by substituting in place thereof the fol-
4 lowing:

'Sect. 13. *Non-resident guardian or conservator to ap-*
2 *point agent in state.* No person residing out of the state
3 shall be appointed a guardian or conservator unless he shall
4 have appointed an agent or attorney in the state. Such
5 appointment shall be made in writing and shall give the
6 name and address of the agent or attorney. Said written
7 appointment shall be filed and recorded in the registry of
8 probate for the county in which the principal is appointed,
9 and by such appointment the subscriber shall agree that the
10 service of any legal process against him as such guardian

11 or conservator, or that the service of any such process
12 against him in his individual capacity in any action founded
13 upon or arising out of any of his acts or omissions as such
14 guardian or conservator shall, if made on such agent, have
15 like effect as if made on himself personally within the state,
16 and such service shall have such effect. A guardian or
17 conservator who after his appointment removes from and
18 resides without the state shall so appoint an agent within
19 thirty days after such removal. If an agent appointed un-
20 der the provisions of this section dies or removes from the
21 state before the final settlement of the accounts of his prin-
22 cipal, another appointment shall be made, filed, and recorded
23 as above provided. The powers of an agent appointed un-
24 der the provisions of this section shall not be revoked prior
25 to the final settlement of the estate unless another appoint-
26 ment shall be made as herein provided. Neglect or refusal
27 by a guardian or conservator to comply with any provision
28 of this section shall be cause for removal. A guardian or
29 conservator residing out of the state shall not appoint his
30 co-guardian or co-conservator, residing in the state, as his
31 agent.

Sect. 3. Section thirty-three of chapter seventy-two of
2 the revised statutes is hereby amended by inserting after
3 the word "guardian" in the second line of said section the
4 word 'conservator,' so that said section as amended shall
5 read as follows:

'Sect. 33. *Persons may be cited and examined.* Upon

2 complaint made to the judge of probate by any guardian,
3 conservator, ward, creditor or other person interested in the
4 estate, or having claims thereto in expectancy as heir or
5 otherwise, against anyone suspected of having concealed,
6 embezzled or conveyed away any of the money, goods or
7 effects of the ward, the judge may cite and examine such
8 suspected person, and proceed with him in the manner pro-
9 vided in relation to those suspected of embezzling the es-
10 tates of deceased persons.'

Sect. 4. Section thirty-four of chapter seventy-two of
2 the revised statutes is hereby amended by inserting after
3 the word "guardian" in the second line of said section the
4 words 'or conservator,' so that said section as amended
5 shall read as follows:

'Sect. 34. *Penalty for embezzlement by gardian or con-*
2 *servator.* If a guardian or conservator, having the charge
3 and custody of property belonging to his ward, embezzles
4 the same in violation of his trust, or fraudulently converts
5 it to his own use, he shall be punished by fine not exceeding
6 five thousand dollars, or confinement to hard labor not ex-
7 ceeding ten years.'