

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 443

H. P. 1286 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. Burkett of Portland.

STATE OF MAINE

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

AN ACT Relative to the Share of Posthumous Child in Deced-
ent's Estates.

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

Section eight of chapter seventy-nine of the revised
2 statutes is hereby amended by striking out the word "to"
3 in the third line of said section and by inserting in place
4 thereof the words 'unless it appears that the failure to pro-
5 vide for such child was intentional and not occasioned by
6 mistake. Such share shall' so that said section as amended
7 shall read as follows:

'Sect. 8. *Posthumous child to take share of estate, as if*
2 *no will in certain cases.* A child of the testator, born after

3 his death and not provided for in his will, takes the same
4 share of his estate, as he would if his father had died in-
5 testate, unless it appears that the failure to provide for such
6 child was intentional and not occasioned by mistake. Such
7 share shall be assigned by the judge of probate and taken
8 from all the devisees in proportion to the value of what
9 they respectively receive under the will, unless, by a specific
10 devise or some other provision thereof, a different appor-
11 tionment is necessary to give effect to the intention of the
12 testator respecting that portion of his estate which passes
13 by the will.'