

# MAINE STATE LEGISLATURE

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*Maine*  
REVISED STATUTES  
1964

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

Volume 3  
Titles 14 to 20



**Boston, Mass.**  
Boston Law Book Co.

**Orford, N. H.**  
Equity Publishing Corporation

**St. Paul, Minn.**  
West Publishing Co.

Text of Revised Statutes  
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## CHAPTER 209

## PUBLIC ADMINISTRATORS

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**§ 1651. Duties; bonds**

The Governor, with the advice and consent of the Council, shall appoint in each county for the term of 4 years, unless sooner removed, a public administrator therein, who shall, upon petition to the probate court and after due notice thereon, take out letters of administration and administer on the estates of persons who die intestate in said county, or elsewhere leaving property in said county, not known to have in the State a widow, widower or any heirs or kindred who can lawfully inherit such estate; and who shall account in like manner and give bond to the judge with like condition as in cases of ordinary administration, subject, however, to section 1654. If any widow, widower or next of kin of said deceased shall, prior to the issuing of letters of administration to said public administrator, file a petition in probate court asking that said administration be granted to said widow, widower or next of kin, or to any other person designated by them, the said probate court after due notice shall appoint an administrator as prayed for in said petition.

R.S.1954, c. 154, § 48.

**§ 1652. Fees**

Said public administrator may be allowed the fees and commission as in case of ordinary administration. In addition where in the opinion of the judge such fees and commission fail to give adequate compensation for the services rendered, he may be allowed such additional compensation as the judge shall consider fair and reasonable, but not more than an additional 5% on the amount of personal assets that come into the hands of said public administrator.

R.S.1954, c. 154, § 49.

**§ 1653. Conservation of property pending appointment**

Pending the appointment of said public administrator, when it appears necessary or expedient, said public administrator may proceed to conserve the property of the estate.

R.S.1954, c. 154, § 50.

**§ 1654. Powers revoked**

If, before the estate of such deceased in the hands of the public administrator is fully settled, any last will and testament of such deceased is produced and duly proved or if any heirs, next of kin, widow or widower of such deceased makes application in writing to the judge having jurisdiction of the estate and claims the right to administer thereon or to have some other suitable person appointed to that trust, the judge may revoke the former administration and grant letters testamentary, or new administration, as the case requires. Thereupon the public administrator shall surrender his letters of administration to such judge, settle his account and deliver to his successor all sums of money in his hands and all goods, chattels, rights and credits of said deceased not administered upon.

R.S.1954, c. 154, § 51.

**§ 1655. Distribution of balance**

When there is in the hands of such public administrator an amount of money more than is necessary for the payment of the deceased's debts and for other purposes of administration, if no widow, widower or heirs of said deceased have been discovered, said administrator shall be required by the judge to deposit it with the Treasurer of State, who shall receive it. The State shall be responsible for the principal thereof, for the benefit of those who may lawfully claim it. The Governor and Council, on application and proof, may order the Treasurer of State to pay it over, and such principal is appropriated to pay such lawful claims. Any income earned on such funds shall be paid into the General Fund as compensation for administration.

If during the process of administration of such estate any widow, widower or heirs of said deceased are discovered, then the probate court shall order distribution of the estate in the same manner as in the case of ordinary administration

R.S.1954, c. 154, § 52; 1959, c. 319.

**§ 1656. Notice; audit**

In all cases where letters of administration are granted to a public administrator, the register shall immediately send to the Treasurer of State a copy of the petition and the decree thereon, and in all cases where the public administrator is ordered to pay the balance of the estate to the Treasurer of State, the judge shall give notice to the Treasurer of State of such amount and from what estate it is receivable. If said administrator neglects for 3 months after the order of the judge therefor to deposit the same, the Treasurer of State shall bring a civil action upon his probate bond for the recovery thereof. The records and accounts of said public administrator shall be audited annually by the State Department of Audit.

R.S.1954, c. 154, § 53; 1961, c. 317, § 494.

**§ 1657. Forfeit of balance to State after 20 years**

If the heirs, widow or next of kin to any such intestate, or other lawful claimants do not demand such money within 20 years from the time of its deposit, it shall be forfeited to the State.

R.S.1954, c. 154, § 54.