

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

April 13, 1938

Honorable Percival P. Baxter
22 Monument Square
Portland, Maine

Dear Governor:

I have given considerable thought to the question which you asked me when you were in the office last. That is, as to whether or not the State can act as executor of a will.

The law on administration of estates uses the word "person" when referring to executors or administrators although certain trust companies and banking institutions are authorized to act in such capacities.

In the absence of any enabling act placing the burden for the handling of any such estate on some definite State official and making provision for the employment of competent counsel and assistants for such work, I cannot see how the matter could be handled by the State. I should be very pleased to talk with you further at any time about the matter and, if you think it advisable, draft some legislation for presentation to the next session of the Legislature which would definitely establish the right of the State to act and place the responsibility on some special State official.

Any time that you care to talk with me about this I will come to your office when I am in Portland.

Sincerely yours,

Franz U. Burkett
Attorney General

FUB H