

MAINE STATE LEGISLATURE

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July 11, 1939

The Honorable Lewis O. Barrows
Governor of Maine
Augusta, Maine

Dear Governor Barrows:

In answer to your inquiry as to the authority of the Governor and Council to grant the request of the Town of Warren for you to turn over to the town the sum of \$300 the balance remaining of the estate of the late F. M. Blanchard, I am pleased to call your attention to Section 30 of Chapter 76 of the Revised Statutes wherein it is provided that public administrators 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 died intestate in said county, not known to have in the state a widow, widower, or any heirs or kindred who can lawfully inherit such estate."

In Section 32 of the same chapter it is provided that: "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; and the governor and council, on application and proof, may order the treasurer to pay it over, and such principal is hereby appropriated to pay such lawful claims."

Section 34 of the same chapter provides that: "If the heirs, widow, or next of kin, to any such intestate, or other lawful claimants, do not demand such money within twenty years from the time of its deposit, it shall be forfeited to the state."

From the foregoing it is evident that the Governor and Council do not have authority to grant the request of the selectmen of the Town of Warren.

Respectfully yours,

Sanford L. Fogg
Deputy Attorney General

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