

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 540

H. P. 433

House of Representatives, February 17, 1977

On motion of Mr. Hughes of Auburn, referred to Committee on Judiciary.  
Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Carter of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT to Clarify a Disclaimer of Transfer by Will, Intestacy or  
Appointment Act.

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

Sec. 1. 18 MRSA § 1271, as enacted by PL 1975, c. 311, is repealed and the following enacted in its place:

§ 1271. Short title

This chapter may be cited as the Disclaimer of Transfers by Will, Intestacy or Appointment Act.

Sec. 2. 18 MRSA § 1271-A is enacted to read:

§ 1271-A. Definitions

The following words as used in this chapter shall have the following meanings, unless otherwise expressly provided or the context otherwise requires.

1. Beneficiary. "Beneficiary" shall mean any person to whom, and any estate, trust, corporation or other legal entity to which, an interest in property would pass in any manner described in section 1272, except for the execution and filing of a disclaimer in accordance with this chapter.

2. Interest in property. An "interest in property" which may be disclaimed shall include:

A. Any legal or equitable interest or estate, whether present, future or contingent, in any real or personal property, or in any fractional part, share or portion thereof, or in any specific asset or assets thereof;

**B. Any power to appoint, consume, apply or expend property, or any other right, power or privilege, relating thereto; and**

**C. Any fractional part, share or portion of any interest described in paragraphs A or B.**

**Sec. 3. 18 MRSA § 1273, sub-§§ 1 and 2, as enacted by PL 1975, c. 311, are amended to read:**

**1. Present interest.** An instrument disclaiming a present interest shall be filed not later than 6 months after the death of the decedent or the donee of the power **or the determination of the beneficiary's interest by a court of law, whichever occurs later.**

**2. Future interest.** An instrument disclaiming a future interest shall be filed not later than 6 months after the event that determines that the ~~taker of the property~~ **beneficiary or his interest in property** is finally ascertained and his interest indefeasibly vested **or the determination of the beneficiary's interest by a court of law, whichever occurs later.**

#### STATEMENT OF FACT

The purpose of this bill is to provide additional and more specific language for the timing and effect of disclaimers of transfers by will, intestacy or appointment. It is intended to ensure that the right to disclaim will not be lost because the interest of the beneficiary requires determination by a court procedure which takes longer than 6 months.