

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1339

H. P. 1122

House of Representatives, March 17, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Soule of Westport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning Certain Estates under the Control of Public Administrators.

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

**Sec. 1. 18-A MRSA § 3-603, 2nd sentence**, as enacted by PL 1979, c. 540, § 1, is amended to read:

Bond may be required by court order at the time of appointment of a personal representative appointed in any formal proceeding except that bond is not required of a personal representative appointed in formal proceedings if the will relieves the personal representative of bond, unless bond has been requested by an interested party and the court is satisfied that it is desirable, or as provided in section 3-619, subsection (g).

**Sec. 2. 18-A MRSA § 3-619, sub-§ (a), 2nd sentence**, as enacted by PL 1979, c. 540, § 1, is amended to read:

The public administrator shall have the same powers and duties of a personal representative under supervised administration as provided in section 3-504, and except as provided in subsection (g), shall give bond as provided for other personal representatives in cases of ordinary administration under sections 3-603 through 3-606.

**Sec. 3. 18-A MRSA § 3-619, sub-§ (e)**, as enacted by PL 1979, c. 540, § 1, is repealed and the following enacted in its place:

**(e) When there are assets, other than real property, remaining in the hands of such public administrator after the payment of the decedent's debts and all costs of administration and no heirs have been discovered, the public administrator shall be ordered by the judge to deposit them with the Treasurer of State, who shall receive them and dispose of them according to Title 33, chapter 27. These assets shall, for the purposes of Title 33, chapter 27, be presumed abandoned when the judge orders the public administrator to deposit them with the Treasurer of State.**

**Sec. 4. 18-A MRSA § 3-619, sub-§ (g) is enacted to read:**

**(g) Estates administered under this section having a value at the decedent's death not exceeding \$200 shall be exempt from all notice and filing costs and from giving bond. The cost of notice shall be paid by the court.**

**Sec. 5. 33 MRSA § 1315 is enacted to read:**

**§ 1315. Property held by public administrators**

**All assets held by a public administrator which are to be disposed of under Title 18-A, section 3-619, subsection (e) shall be presumed abandoned when the judge, pursuant to that section, orders the public administrator to deposit those assets with the Treasurer of State.**

#### STATEMENT OF FACT

The purpose of sections 1, 2 and 4 is to waive the filing and notice costs and the requirement of giving bond for estates of less than \$200 held by public administrators. Payment of these costs often exhausts these small estates.

The purpose of sections 3 and 5 is to simplify the procedure by which the public administrator passes the assets of the estates to the Treasurer of State under the Abandoned Property Act. Other than creating an earlier presumption of abandonment date for this limited category of property, the operation of the Abandoned Property Act is not altered.