

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 534

6
7 H.P. 441

House of Representatives, February 2, 1983

8 Received by the Clerk of the House on February 2, 1983. Referred to the
9 Committee on Judiciary, and ordered printed pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Hobbins of Saco.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to the Statute of
18 Limitations for the Probate of Estates under
19 the Maine Probate Code.
20

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

23 18-A MRSA §3-108, as enacted by PL 1979, c. 540,
24 §1, is amended to read:

25 §3-108. Probate, testacy and appointment proceed-
26 ings; ultimate time limit

27 No informal probate or appointment proceeding or
28 formal testacy or appointment proceeding, other than
29 a proceeding to probate a will previously probated at
30 the testator's domicile and appointment proceedings
31 relating to an estate in which there has been a prior
32 appointment, may be commenced more than 3 20 years
33 after the decedent's death; ~~except (1)~~ if a previous

1 proceeding was dismissed because of doubt about the
2 fact of the decedent's death, appropriate probate,
3 appointment or testacy proceedings may be maintained
4 at any time thereafter upon a finding that the decedent's
5 death occurred prior to the initiation of the
6 previous proceeding and the applicant or petitioner
7 has not delayed unduly in initiating the subsequent
8 proceeding; (2) appropriate probate, appointment or
9 testacy proceedings may be maintained in relation to
10 the estate of an absent, disappeared or missing
11 person for whose estate a conservator has been
12 appointed, at any time within 3 years after the con-
13 servator becomes able to establish the death of the
14 protected person; and (3) a proceeding to contest an
15 informally probated will and to secure appointment of
16 the person with legal priority for appointment in the
17 event the contest is successful, may be commenced
18 within the later of 12 months from the informal pro-
19 bate or 3 years from the decedent's death. These
20 limitations do not apply to proceedings to construe
21 probated wills or determine heirs of an intestate. In
22 cases under (1) or (2) above, the date on which a
23 testacy or appointment proceeding is properly com-
24 menced shall be deemed to be the date of the decedent's
25 death for purposes of other limitations provi-
26 sions of this Code which relate to the date of death.

27 STATEMENT OF FACT

28 This bill amends the statute of limitations for
29 the probate of an estate from 3 years to 20 years.

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