

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2235

6  
7 S.P. 834

In Senate, March 13, 1984

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint Rule 26.

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

JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Collins of Knox.

12 STATE OF MAINE  
13

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

17 AN ACT to Provide Immunity to Persons  
18 and Institutions who Act as Depositories  
19 for Wills.  
20

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

23 18-A MRSA §2-902, as enacted by PL 1979, c. 540,  
24 §1, is amended to read:

25 §2-902. Duty of custodian of will; liability

26 After the death of a testator, any person having  
27 custody of a will of the testator shall deliver it  
28 with reasonable promptness to a person able to secure  
29 its probate and if none is known, to an appropriate  
30 court. Any person having custody of a will shall not  
31 be liable, to any person aggrieved, for failure to  
32 learn of the death of the testator of that will and  
33 the failure, therefore, to deliver that will as re-  
34 quired. Any person who willfully fails to deliver a

1 will, or who willfully defaces or destroys any will  
2 of a deceased person, is liable to any person ag-  
3 grieved for the damages which may be sustained by  
4 such failure to deliver, or by such defacement or de-  
5 struction. Any person who willfully refuses or fails  
6 to deliver a will, or who so defaces or destroys it,  
7 after being ordered by the court in a proceeding  
8 brought for the purpose of compelling delivery is  
9 subject to penalty for contempt of court.

10 STATEMENT OF FACT

11 Persons having custody of a will may not learn of  
12 the death of a testator. There should be no affirma-  
13 tive duty imposed on a custodian to learn of this  
14 death in order to deliver his will. The duty is to  
15 deliver the will when the custodian learns of death  
16 of the testator.

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