

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1870

H.P. 1353

House of Representatives, December 8, 1989

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

Received by the Clerk of the House on December 8, 1989. Referred to the Committee on Judiciary and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MARSANO of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Clarify the Succession of Estates under the Maine Probate Code.



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

4 **18-A MRSA §2-605**, as enacted by PL 1979, c. 540, §1, is
amended to read:

6 **§2-605. Anti-lapse; deceased devisee; class gifts**

8 If a devisee who is a grandparent or a lineal descendant of
10 a grandparent of the testator is dead at the time of execution of
the will, fails to survive the testator, or is treated as if he
12 the devisee predeceased the testator, the issue of the deceased
devisee who survive the testator by 120 hours take in place of
14 the deceased devisee, and if they are all of the same degree of
kinship they take equally, but if of unequal degree then those of
16 more remote degree take by per capita at each generation as
provided in section 2-106. One A person who would have been a
18 devisee under a class gift if he that person had survived the
testator is treated as a devisee for purposes of this section
20 whether his that person's death occurred before or after the
execution of the will. A devise to the issue of the decedent or
22 any other person must be interpreted as a devise to the issue of
that person, as defined in section 1-201, subsection 21, to be
24 distributed per capita at each generation as defined in section
2-106.

26
28 **STATEMENT OF FACT**

30 This bill amends the provisions of the Maine Probate Code to
provide for distribution of estates on a per capita basis when a
32 bequest is made to a person's issue.