

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1463

S.P. 559

In Senate, April 11, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CONLEY of Cumberland

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STATE OF MAINE

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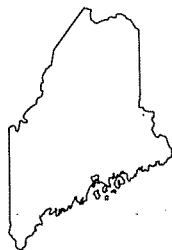
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act to Reconcile Dates Barring Claims in the Probate Code.

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(AFTER DEADLINE)



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

2  
4 18-A MRSA §3-1006, as amended by PL 1989, c. 661, §8, is  
further amended to read:

6 **§3-1006. Limitations on actions and proceedings against**  
8 **distributees**

10 Unless previously adjudicated in a formal testacy proceeding  
12 or in a proceeding settling the accounts of a personal  
14 representative or otherwise barred, the claim of any claimant to  
16 recover from a distributee who is liable to pay the claim, and  
18 the right of an heir or devisee, or of a successor personal  
20 representative acting in their behalf, to recover property  
improperly distributed or its value from any distributee is  
forever barred at the later of 3 years after the decedent's death  
or one year after the time of its distribution, but all claims of  
creditors of the decedent are barred ~~one-year~~ 9 months after the  
decedent's death. This section does not bar an action to recover  
property or value received as the result of fraud.

22  
24 **STATEMENT OF FACT**

26 This bill makes uniform the time period after which all  
28 claims against a decedent's estate and against distributees are  
barred. Public Law 1989, chapter 661 revised the notice  
30 provisions in the Probate Code, establishing a 9-month period for  
claims against a decedent's estate and a one-year period for  
32 claims against distributees of the estate. This bill makes both  
time periods 9 months.