

MAINE STATE LEGISLATURE

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L.D. 649

(Filing No. H- 140)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 491, L.D. 649, Bill, "An Act Regarding Priorities in the Probate Code"

Amend the bill in section 1 by striking out all of subsection (e) (page 1, lines 6 to 13 in L.D.) and inserting in its place the following:

'(e) Appointment of one who does not have priority, ~~including--priority--resulting--from--renunciation--or--nomination determined--pursuant--to--this--section,~~ may be made only in formal proceedings. Appointment of one who has priority resulting from renunciation or nomination pursuant to subsection (c) may be made in informal proceedings. Before appointing one without priority, the judge must shall determine that those having priority, although given notice of the proceedings, have failed to request appointment or to nominate another for appointment, and that administration is necessary.'

STATEMENT OF FACT

This amendment clarifies language in the current law regarding persons who do not have priority for appointment as personal representatives. A person without priority but having gained priority through renunciation or nomination may be appointed in informal proceedings. When the renunciation or nomination criterion has not been met, then the appointment of that person without priority may be made only in formal proceedings.

Reported by the Committee on Judiciary
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COMMITTEE AMENDMENT