

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 212

S.P. 73

In Senate, January 16, 1997

**An Act to Permit Filing for the Probate of an Estate for up to 10 Years
Following Death.**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

Sec. 1. 18-A MRSA §3-108, sub-§(a), as enacted by PL 1983, c. 256, is amended to read:

(a) For ~~decedent's~~ a decedent dying on or after January 1, 1981, no informal probate or appointment proceeding or formal testacy or appointment proceeding, other than a proceeding to probate a will previously probated at the testator's domicile and appointment proceedings relating to an estate in which there has been a prior appointment, may be commenced more than 3 10 years after the decedent's death, except:

(1) If a previous proceeding was dismissed because of doubt about the fact of the decedent's death, appropriate probate, appointment or testacy proceedings may be maintained at any time thereafter upon a finding that the decedent's death occurred prior to the initiation of the previous proceeding and the applicant or petitioner has not delayed unduly in initiating the subsequent proceeding;

(2) Appropriate probate, appointment or testacy proceedings may be maintained in relation to the estate of an absent, disappeared or missing person for whose estate a conservator has been appointed, at any time within 3 10 years after the conservator becomes able to establish the death of the protected person; and

(3) A proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful, may be commenced within the later of 12 months from the informal probate or 3 10 years from the decedent's death. These limitations do not apply to proceedings to construe probated wills or determine heirs of an intestate. In cases under paragraph (1) or (2), the date on which a testacy or appointment proceeding is properly commenced ~~shall--be~~ is deemed to be the date of the decedent's death for purposes of other limitations provisions of this code which that relate to the date of death.

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SUMMARY

This bill increases from 3 to 10 the number of years after a person's death during which probate proceedings may be commenced.