

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 162, L.D. 491, Bill, "An Act to Repeal Provisions of the Probate Code Relating to Depositing Wills in Court within the Testator's Lifetime"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend Provisions of the Probate Code Relating to Depositing Wills in Court within the Testator's Lifetime'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 18-A MRS §2-901, as enacted by PL 1979, c. 540, §1, is amended to read:

§2-901. Disposition of will deposited with court in testator's lifetime

~~A will may be deposited by the testator or his agent for safekeeping, under rules of the court, with the court in the office of the register of probate in the county in which the testator is domiciled at the time of the will's deposit. Such will shall be enclosed in a sealed wrapper, endorsed with the name and residence of the testator and the date when deposited, and may have endorsed thereon the name of any person to whom it is to be delivered after the death of the testator.~~ During the testator's lifetime a deposited will shall deposited for safekeeping with the court in the office of the register of probate must be delivered only to him the testator or to a person authorized in writing signed by him the testator to receive the will. A conservator may be allowed to examine a deposited will

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2 of a protected testator under procedures designed to maintain the
3 confidential character of the document to the extent possible and
4 to assure ensure that it will be resealed and left on deposit
5 after the examination. Upon being informed of the testator's
6 death, the court shall notify any person designated to receive
7 the will and deliver it to him that designated person on request;
8 or the court may deliver the will to the appropriate court.'

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SUMMARY

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This amendment, instead of repealing the entire section of law governing disposition by the register of probate of a will deposited with the register for safekeeping, as was done in the original bill, strikes those provisions dealing with presentation, appearance and content of a deposited will.