

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 93

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H.P. 102

House of Representatives, January 21, 2003

### An Act Regarding the Duties of a Personal Representative

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FLETCHER of Winslow.  
Cosponsored by Representatives: BERRY of Belmont, CANAVAN of Waterville, DUPREY  
of Hampden, SHERMAN of Hodgdon.

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

2           **Sec. 1. 18-A MRSA §3-706**, as amended by PL 1979, c. 690, §§8  
4 and 9, is further amended by adding at the end a new paragraph to  
6 read:

8           If a personal representative fails to file an inventory or  
10 fails to include in the inventory property that the court  
12 determines should have been included, in determining the value of  
14 the uninventoried or missing property, the court may rely on the  
16 opinion of qualified appraisers or owners of similar property who  
18 have never seen the missing property, and doubt created by the  
20 absence of such property and its unavailability for purposes of  
22 appraisal must be resolved in favor of responsible persons  
24 estimating the highest reasonable value. When there has been no  
26 inventory filed and interested persons allege under oath or  
28 affirmation that property should have been inventoried but is now  
30 missing, the burden is on the personal representative to show  
32 that the property should not have been included in the inventory.

**SUMMARY**

24           This bill provides that, if a personal representative fails  
26 to include property in an inventory of a decedent's property, the  
28 Probate Court, in determining the value of that property, may  
30 rely on the opinion of qualified appraisers or owners of similar  
32 property. The bill specifies that doubt created by the absence  
of the property must be resolved in favor of persons providing  
the estimate of highest reasonable value. The bill also places  
the burden on the personal representative to show that the  
property should not have been included in the inventory.