

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 341

H.P. 271

House of Representatives, January 25, 2007

### **An Act To Amend the Probate Code To Affect Claims against an Estate**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WATSON of Bath.  
Cosponsored by Senator MILLS of Somerset and  
Representatives: MILLS of Farmington, SIMPSON of Auburn.

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

2 **Sec. 1. 18-A MRSA §3-108, sub-§(a), ¶(2),** as enacted by PL 1983, c. 256, is  
3 amended to read:

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

8 **Sec. 2. 18-A MRSA §3-108, sub-§(a), ¶(3),** as amended by PL 2005, c. 683, Pt.  
9 C, §5, is further amended to read:

10 (3). A proceeding to contest an informally probated will and to secure appointment  
11 of the person with legal priority for appointment in the event the contest is successful  
12 may be commenced within the later of 12 months from the informal probate or 3  
13 years from the decedent's death; and

14 **Sec. 3. 18-A MRSA §3-108, sub-§(a), ¶(4)** is enacted to read:

15 (4). A proceeding to address a claim of negligence against the decedent limited to the  
16 limits of an insurance policy of the decedent may be commenced within 6 years of  
17 the decedent's death.

18 **SUMMARY**

19 This bill amends the Probate Code to allow a proceeding to address a claim of  
20 negligence against the decedent limited to the limit of the decedent's insurance policy to  
21 be commenced within 6 years of the decedent's death.