

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 582

H.P. 420

House of Representatives, February 17, 2009

An Act To Amend the Statute of Limitations for Actions against the Estate of a Decedent

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DILL of Cape Elizabeth.
Cosponsored by Senator SIMPSON of Androscoggin and
Representative: BRYANT of Windham, Senator: HOBBS of York.

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 claim for a personal injury made against the decedent by a person without
16 actual notice of the death of the decedent may be commenced against the estate of the
17 decedent within the statute of limitations for that claim, but any recovery is limited to
18 applicable insurance.

19 **SUMMARY**

20 This bill allows a claim for personal injuries against the estate of a decedent within
21 the statute of limitations for that claim if the claimant did not have actual notice of the
22 death of the decedent. Any recovery is limited to applicable insurance.