

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 610

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVEN.

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AN ACT to amend sections 14, 15, and 19 of chapter 89 of the  
Revised Statutes, relating to the limitation of actions against  
executors and administrators.

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*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows:*

Section 1. Section fourteen of chapter eighty-nine of the  
2 Revised Statutes is hereby amended by striking out the word  
3 "eighteen" in the twenty-third line thereof and inserting in  
4 its place the word 'twenty,' so that said section, as amended,  
5 shall read as follows:

'Sect. 14. All claims against estates of deceased persons,  
7 except for legacies and distributive shares and for labor and

8 material for which suits may be commenced under section  
9 thirty-four of chapter ninety-three, shall be presented to the  
10 executor or administrator in writing, or filed in the probate  
11 court, supported by an affidavit of the claimant, or of some  
12 other person cognizant thereof, either before or within  
13 eighteen months after affidavit has been filed in the probate  
14 court that notice has been given by said executor or admin-  
15 istrator of his appointment; and no action shall be com-  
16 menced against such executor or administrator on any such  
17 claim until thirty days after the presentation or filing of  
18 such claim as above provided. Any claim not so presented  
19 or filed shall be forever barred against the estate, except as  
20 provided in sections fifteen, sixteen, eighteen and twenty-one  
21 of this chapter.

Actions against executors or administrators, on such  
23 claims, if brought within one year after notice is given by  
24 them of their appointment, shall be continued, without costs  
25 to either party, until said year expires and be barred by a  
26 tender of the debt within the year, except actions on claims  
27 not affected by the insolvency of the estate and actions on  
28 appeal from commissioners of insolvency or other commis-  
29 sioners appointed by the judge of probate. No action shall  
30 be maintained against an executor or administrator on a  
31 claim or demand against the estate, except for legacies and  
32 distributive shares, and except as provided in sections fifteen  
33 and seventeen, unless commenced within twenty months  
34 after affidavit has been filed in the probate court as provided

35 in section forty-two of chapter sixty-six. Executors or  
36 administrators residing out of the state at the time of giving  
37 notice of their appointment, shall appoint an agent or attor-  
38 ney in the state, and insert therein his name and address.  
39 Executors or administrators, removing from the state, after  
40 giving notice of their appointment, shall appoint an agent or  
41 attorney in the state and give public notice thereof; service  
42 made on such agents or attorneys has the same effect as if  
43 made on such executor or administrator. When an executor  
44 or administrator, residing out of the state, has no agent or  
45 attorney in the state, service may be made on one of his  
46 sureties in the same manner and with the same effect as if  
47 made on him.

Sect. 2. Section fifteen of chapter eighty-nine of the  
2 Revised Statutes is hereby amended by striking out the  
3 word "eighteen" in the second line thereof and inserting in  
4 its place the word 'twenty,' so that said section, as amended,  
5 shall read as follows:

'Sect. 15. When assets come into the hands of an executor  
7 or administrator, after said term of twenty months, an action  
8 may be commenced and maintained within six months after  
9 the creditor had notice of the receipt of such assets. Judg-  
10 ments rendered in any action authorized by this section shall  
11 not disturb payments made in good faith by the executor or  
12 administrator prior to the commencement of said action.'

Sect. 3. Section nineteen of chapter eighty-nine of the  
2 Revised Statutes is hereby amended by striking out the word

3 "eighteen" in the first and third lines thereof and inserting  
4 in their place the word 'twenty,' so that said section, as  
5 amended, shall read as follows:

'Sect. 19. When a vacancy occurs within said twenty  
7 months and an administrator de bonis non is appointed, an  
8 action may be commenced after six months from his appoint-  
9 ment and within twenty months after affidavit has been  
10 filed by him in the probate court as provided in section forty-  
11 two of chapter sixty-six.'

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## STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 16, 1907.

Reported by Mr. JOHNSON from Committee on Judiciary, and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*