

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 682

House of Representatives, March 20, 1911.

*Reported by Mr. Trafton from Committee on Judiciary and
ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to amend Section twenty of Chapter sixty-seven of
the Public Laws of nineteen hundred and three, relating to
the Distribution of Personal Estate.

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

Section 1. Section twenty of chapter sixty-seven of the
2 revised statutes is hereby amended by repealing all that por-
3 tion of the statute after the word "same" in the seventeenth
4 line to the word "When" in the twenty-sixth line, and insert-
5 ing after the word "same" in the seventeenth line the fol-
6 lowing: 'shall pay such sum of money to the treasurer of
7 the county in which the probate court has jurisdiction, who
8 shall give a receipt therefor, specifying the amount, name
9 of estate and name of person entitled thereto, which said

10 receipt shall be filed in the probate court and allowed as a
11 sufficient voucher therefor.

Any time within twenty years from the date of deposit
13 the person entitled thereto may present to the county com-
14 missioners evidence of his right to the same and upon satis-
15 factory proof that he is entitled thereto they shall by war-
16 rant, direct said county treasurer to pay over to such person
17 the amount of original deposit and the amount of interest
18 at the rate of two per centum per annum, from the date of
19 deposit.

Such county treasurer shall annually in the month of Jan-
21 uary cause to be published in one or more newspapers pub-
22 lished and printed within the county and the state paper a
23 list of all persons entitled to such deposits.

Such county shall have the use and income of all such de-
25 posits and after twenty years from the date of such deposit,
26 if not claimed and paid over to the person entitled thereto,
27 his heirs, executors, administrators or assigns, the same shall
28 escheat to the county.

This act shall apply to all deposits heretofore made under
30 said section twenty, and within sixty days from the time
31 this act shall take effect, the judges of our several probate
32 courts shall assign all such deposits to the several county
33 treasurers and the registers shall deliver the bank books to
34 said treasurers, but the said twenty years shall in such cases
35 commence on the date of such transfer,' so that said section
36 shall read as follows:

‘Sect. 20. When on the settlement of any account of an
38 administrator or executor, there appears to remain in his
39 hands property not necessary for the payment of debts and
40 expenses of administration, nor specifically bequeathed, the
41 judge upon petition of any party interested, after public
42 notice and such other notice as he may order, shall deter-
43 mine who are entitled to the estate and their respective
44 shares therein under the will or according to law, and order
45 the same to be distributed accordingly; and alienage shall
46 be no bar to any person, who, in other respects, is entitled
47 to receive any part of such property. If an executor or
48 administrator neglects to distribute the property in his hands
49 in pursuance of such order, and the parties in interest reside
50 out of the state, and had no actual notice of any such settle-
51 ment of account, the judge on petition of any such party,
52 may, within six years after such settlement, order such ex-
53 ecutor or administrator to render a new account. If any
54 sum of money directed by a decree of the probate court to
55 be paid over, remains for six months unclaimed, the ex-
56 ecutor, administrator, guardian or trustee who was ordered
57 to pay over the same shall pay such sum of money to the
58 treasurer of the county in which the probate court has juris-
59 diction, who shall give a receipt therefor, specifying the
60 amount, name of estate and name of person entitled thereto,
61 which said receipt shall be filed in the probate court and
62 allowed as a sufficient voucher therefor.

Any time within twenty years from the date of deposit the
64 person entitled thereto may present to the county commis-
65 sioners evidence of his right to the same and upon satis-
66 factory proof that he is entitled thereto they shall by war-
67 rant, direct said county treasurer to pay over to such per-
68 son the amount of original deposit and the amount of in-
69 terest at the rate of two per centum per annum, from the
70 date of deposit.

Such county treasurer shall annually in the month of Jan-
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74 list of all persons entitled to such deposit.

Such county shall have the use and income of all such de-
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77 if not claimed and paid over to the person entitled thereto,
78 his heirs, executors, administrators or assigns, the same
79 shall escheat to the county.

This act shall apply to all deposits heretofore made under
81 section twenty, and within sixty days from the time this
82 act shall take effect, the judges of our several probate courts
83 shall assign all such deposits to the several county treas-
84 urers, and the registers shall deliver the bank books to said
85 treasurers, but the said twenty years shall in such cases
86 commence on the date of such transfer. When an executor,
87 administrator, guardian or trustee has paid or delivered
88 over to the persons entitled thereto the money or other prop-
89 erty in his hands, as required by a decree of a probate court,

90 he may perpetuate the evidence thereof by presenting to
91 said court, without further notice, within one year after the
92 decree is made, an account of such payments, or of the de-
93 livery over of such property; which account being proved
94 to the satisfaction of the court, and verified by the oath of
95 the party, shall be allowed as his final discharge, and ordered
96 to be recorded.'