

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE NO. 641

House of Representatives, March 22, 1913.

*Reported by Mr. Councers from Committee on Legal Affairs,
and ordered printed under joint rules.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to amend Section twenty of Chapter sixty-seven of
the Revised Statutes as amended by Chapter one hundred and
thirty-four of the Public Laws of nineteen hundred and
eleven, 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 as amended by chapter one hundred and
3 thirty-four of the public laws of nineteen hundred and
4 eleven, is hereby further amended by inserting after the
5 word "transfer" in line forty-eight the words:

But every person entitled to receive and be paid any such

7 deposit made before March twenty-ninth, A. D. nineteen
8 hundred and eleven, shall be entitled to receive and be paid
9 the amount of such original deposit with such interest
10 thereon as is shown by the bank book of such original de-
11 posit at the date of such payment to such person.'

So that said section as amended shall read as follows:

'Sect. 20. When on the settlement of any account of an
14 administrator or executor, there appears to remain in his
15 hands property not necessary for the payment of debts and
16 expenses of administration, nor specifically bequeathed, the
17 judge upon petition of any party interested, after public
18 notice and such other notice as he may order, shall deter-
19 mine who are entitled to the estate and their respective
20 shares therein under the will or according to law, and order
21 the same to be distributed accordingly; and alienage shall
22 be no bar to any person who, in other respects, is entitled
23 to receive any part of such property. If an executor or
24 administrator neglects to distribute the property in his
25 hands in pursuance of such order, and the parties in interest
26 reside out of the state, and had no actual notice of any such
27 settlement of account, the judge on petition of any such
28 party, may, within six years after such settlement, order
29 order such executor or administrator to render a new ac-
30 count. If any sum of money directed by a decree of the
31 probate court to be paid over, remains for six months un-
32 claimed, the executor, administrator, guardian or trustee
33 who was ordered to pay over the same shall pay such sum

34 of money to the treasurer of the county in which the pro-
35 bate has jurisdiction, who shall give a receipt therefor,
36 specifying the amount, name of estate and name of person
37 entitled thereto, which said receipt shall be filed in the pro-
38 bate court and allowed as a sufficient voucher therefor.

Any time within twenty years from the date of the deposit,
40 the person entitled thereto or his executor, administrator or
41 assigns may present to the county commissioners evidence
42 of his right to the same and upon satisfactory proof that he
43 or they are entitled thereto, they shall by warrant, direct said
44 county treasurer to pay over to such person or persons the
45 amount of the original deposit, with the amount of the in-
46 terest at the rate of two percentum per annum from the
47 date of deposit, provided that all sums of money turned over
48 to the county treasurer by any savings bank shall draw in-
49 terest at the same rate as was paid by said banks at the time
50 it was paid over by said bank.

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

Such county shall have the use and income of all such
56 deposits and after twenty years from the date of such de-
57 posit, if not claimed and paid over to the person entitled
58 thereto, his heirs, executors, administrators or assigns, the
59 same shall escheat to the county.

This act shall apply to all deposits heretofore made under

61 said section twenty, and within sixty days from the time
62 this act shall take effect, the judges of our several probate
63 courts shall assign all such deposits to the several county
64 treasurers, and the registers shall deliver the bank books to
65 said treasurers, but the said twenty years shall in such cases
66 commence on the date of such transfer. But every person
67 entitled to receive and be paid any such deposit made before
68 March twenty-ninth, A. D. nineteen hundred and eleven,
69 shall be entitled to receive and be paid the amount of such
70 original deposit with such interest thereon as is shown by
71 the bank book of such original deposit at the date of such
72 payment to such person. When an executor, administrator,
73 guardian or trustee has paid or delivered over to the persons
74 entitled thereto the money or other property in his hands, as
75 required by a decree of a probate court, he may perpetuate
76 the evidence thereof by presenting to said court, without fur-
77 ther notice, within one year after the decree is made, an
78 account of such payments, or of the delivery over of such
79 property; which account being proved to the satisfaction of
80 the court, and verified by oath of the party, shall be allowed
81 as his final discharge, and ordered to be recorded.'