

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 573

House of Representatives, March 6, 1915.

*Reported by Mr. Greenleaf from Committee on Revision of
the Statutes and ordered printed under joint rules.*

FORTUNAT BELLEAU, Clerk pro tem.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to Amend Section Fourteen of Chapter Eighty-nine
of the Revised Statutes as Amended by Section One of Chap-
ter One Hundred and Eighty-six of the Public Laws of Nine-
teen Hundred and Seven and by Chapter Twenty-two of the
Public Laws of Nineteen Hundred and Thirteen, Relating to
the Presentation of Claims Against Estates.

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

Section fourteen of chapter eighty-nine of the revised stat-
2 utes as amended by section one of chapter one hundred
3 eighty-six of the public laws of nineteen hundred and
4 seven, and by chapter twenty-two of the public laws of nine-
5 teen hundred and thirteen, is hereby further amended by

6 striking out the following words beginning in the twenty-
7 ninth line of said section as amended, viz.: "Executors or
8 administrators residing out of the state at the time of giv-
9 ing notice of their appointment, shall appoint an agent or
10 attorney in the state, and insert therein his name and ad-
11 dress. Executors or administrators removing from the state,
12 after giving notice of their appointment shall appoint an
13 agent or attorney in the state and give public notice thereof;
14 service made on such agents or attorneys has the same effect
15 as if made on such executor or administrator," and by insert-
16 ing after the word "administrator" in the last sentence of
17 said section as amended, the words 'guardian or testamen-
18 tary trustee,' so that said section as amended shall read as
19 follows:

'Sect. 14. All claims against estates of deceased persons,
21 except for legacies and distributive shares and for labor and
22 material for which suits may be commenced under section
23 thirty-four of chapter ninety-three, shall be presented to the
24 executor or administrator in writing, or filed in the probate
25 office, supported by an affidavit of the claimant, or of some
26 other person cognizant thereof, within eighteen months after
27 affidavit has been filed in the probate office that notice has
28 been given by said executor or administrator of his appoint-
29 ment; and no action shall be commenced against such exec-
30 utor or administrator on any such claim until thirty days
31 after the presentation or filing of such claim as above pro-

32 vided. Any claim not so presented or filed shall be forever
33 barred against the estate, except as provided in sections fif-
34 teen, sixteen, eighteen and twenty-one of this chapter.

Actions against executors or administrators, on such
36 claims, if brought within one year after notice is given by
37 them of their appointment, shall be continued, without costs
38 to either party, until said year expires and be barred by a
39 tender of the debt within the year, except actions on claims
40 not affected by the insolvency of the estate and actions on
41 appeal from commissioners of insolvency or other commis-
42 sioners appointed by the judge of probate. No action shall
43 be maintained against an executor or administrator on a
44 claim or demand against the estate, except for legacies and
45 distributive shares, and except as provided in sections fif-
46 teen and seventeen, unless commenced and served within
47 twenty months after affidavit has been filed in the probate
48 office as provided in section forty-two of chapter sixty-six.
49 When an executor, administrator, guardian or testamentary
50 trustee, residing out of the state, has no agent or attorney in
51 the state, service may be made on one of his sureties in the
52 same manner and with the same effect as if made on him.'