

MAINE STATE LEGISLATURE

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NEW DRAFT

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 489

House of Representatives, March 24, 1919.

Reported by Mr. Mason from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Amend Certain Sections of Chapter Ninety-two
Relating to the Filing of Claims Against Estates of De-
ceased Persons.

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

Chapter ninety-two, section fourteen of the revised stat-
utes of nineteen hundred and sixteen as amended by chap-
ter one hundred and thirty-three, section seven of the pub-
lic laws of nineteen hundred and seventeen, is hereby
amended by striking out the word "eighteen" in the sixth
line of said section, and inserting in place thereof the word
'twelve,' so that said section as amended shall read as fol-
lows:

'Sect. 14. All claims against estates of deceased persons, 2 except for legacies and distributive shares and for labor 3 and materials for which suit may be commenced under 4 section thirty-four of chapter ninety-six, shall be presented 5 to the executor or administrator in writing, or filed in 6 the registry of probate, supported by an affidavit of the 7 claimant, or of some other person cognizant thereof, either 8 before or within twelve months after his qualification as 9 such executor or administrator; and no action shall be 10 commenced against such executor or administrator on any 11 such claim until thirty days after the presentation or filing 12 of such claim as above provided. Any claim not so pre- 13 sented or filed shall be forever barred against the estate, 14 except as provided in sections seventeen, nineteen, and 15 twenty-two of this chapter.'

Chapter ninety-two, section seventeen of the revised stat- 2 utes, is hereby amended by striking out the word "eighteen" 3 in the second line and inserting in place thereof the word 4 'twelve,' so that said section as amended shall read as fol- 5 lows:

'Sect. 17. When an action on a covenant or contract does 2 not accrue within said twelve months, the claimant may 3 file his demand in the registry of probate within that time, 4 verified as required in case of claims presented to the com- 5 missioners on insolvent estates; and the judge of probate 6 shall direct that sufficient assets, if such there are, shall 7 be retained by the executor or administrator, unless the

8 heirs or devisees of the estate give bond to the executor
9 or administrator, with one or more sureties, approved by
10 the judge to pay whatever is found due on said claim.'

Chapter ninety-two, section nineteen of the revised statutes
2 is hereby amended by striking out the word "eighteen" in
3 the second line of said section and inserting in place thereof
4 the word 'twelve,' so that said section as amended shall
5 read as follows:

'Sect. 19. When such claim has not been filed in the pro-
2 bate office within said twelve months, the claimant may
3 have remedy against the heirs or devisees of the estate
4 within one year after it becomes due and not against the
5 executor or administrator.'