

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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H. P. No. 9

H. D. No. 5

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House of Representatives, Jan. 14, 1925.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for Concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Atwood of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-FIVE

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AN ACT to Provide for the Settlement of Estates of Absentees.

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

Section 1. If any person entitled to or having an interest  
2 in property within the jurisdiction of the state has disap-  
3 peared or absconded from the place within or without the  
4 state where he was last known to be, and has no agent in  
5 the state, and it is not known where he is, or if such person,  
6 having a wife or minor child, dependent to any extent upon  
7 him for support, has thus disappeared or absconded without  
8 making sufficient provision for such support, and it is not  
9 known where he is, or, if it is known that he is without the  
10 state, anyone who would under the law of the state be  
11 entitled to administer upon the estate of such absentee

12 if he were deceased, or if no one is known to be so entitled,  
13 any suitable person, or such wife, or someone in her or such  
14 minor's behalf, may file a petition under oath in the probate  
15 court for the county where any such property is situated  
16 or found, stating the name, age, occupation and last known  
17 residence or address of such absentee, the date and circum-  
18 stances of the disappearance or absconding, and the names  
19 and residence of other persons, whether members of such  
20 absentee's family or otherwise, of whom inquiry may be  
21 made, and containing a schedule of the property, real and  
22 personal, so far as known, and its location within the state,  
23 and praying that such property may be taken possession of  
24 and a receiver thereof appointed under this chapter.

Sect. 2. The court may thereupon issue a warrant directed  
2 to the sheriff or his deputy, which may run throughout the  
3 state, commanding him to take possession of the property  
4 named in said schedule and hold it subject to the order of  
5 the court and make return of said warrant as soon as may  
6 be with his doings thereon with a schedule of the property  
7 so taken. The officer shall post a copy of the warrant upon  
8 each parcel of land named in the schedule and cause so  
9 much of the warrant as relates to land to be recorded in  
10 the registry of deeds for the county where the land is located.  
11 He shall receive such fees for serving the warrant as the  
12 court allows, but not more than those established by law  
13 for similar service upon a writ of attachment. If the peti-  
14 tion is dismissed, said fees and the cost of publishing and  
15 serving the notice hereinafter provided shall be paid by the

16 petitioner; if a receiver is appointed they shall be paid by  
17 the receiver and allowed in his account.

Sect. 3. Upon the return of such warrant, the court may  
2 issue a notice reciting the substance of the petition, warrant  
3 and officer's return, which shall be addressed to such ab-  
4 sentee and to all persons who claim an interest in said  
5 property, and to all whom it may concern, citing them to  
6 appear at a time and place named and show cause why a  
7 receiver of the property named in the officer's schedule  
8 should not be appointed and said property held and disposed  
9 of under this chapter.

Sect. 4. The return day of said notice shall be not less  
2 than thirty nor more than sixty days after its date. The  
3 court shall order said notice to be published once in each of  
4 three successive weeks in one or more newspapers within the  
5 state, and to be posted in two or more conspicuous places  
6 in the town within the state where the absentee last resided  
7 or was known to have been either temporarily or perma-  
8 nently and upon each parcel of land named in the officer's  
9 schedule, and a copy to be mailed to the last known address.  
10 of such absentee. The court may order other and further  
11 notice to be given within or without the state.

Sect. 5. The absentee and any person who claims an in-  
2 terest in any of the property may appear and show cause  
3 why the prayer of the petition should not be granted. The  
4 court may after hearing dismiss the petition and order the  
5 property in possession of the officer to be returned to the  
6 person entitled thereto, or it may appoint a receiver of the

7 property which is in the possession of the officer and named  
8 in his schedule. If a receiver is appointed the court shall  
9 find and record the date of the disappearance or absconding  
10 of the absentee; and such receiver, before entering on the  
11 execution of his trust, shall give bond with good and suffi-  
12 cient sureties, resident within the state, or with a surety  
13 company authorized to do business in the state, as surety,  
14 in such sum and on such condition as the judge orders,  
15 payable to him or his successors.

Sect. 6. After the approval of such bond the court may  
2 order the sheriff or his deputy to transfer and deliver to  
3 such receiver the possession of the property under the afore-  
4 said warrant, and the receiver shall file in the registry of  
5 probate a schedule of the property received by him.

Sect. 7. Such receiver upon petition filed by him may be  
2 authorized and directed to take possession of any additional  
3 property within the state which belongs to such absentee  
4 and to demand and collect all debts due such absentee from  
5 any person within the state, and hold the same as if it had  
6 been transferred and delivered to him by the officer.

Sect. 8. If such absentee has left no corporeal property  
2 within the state, but there are debts or obligations due or  
3 owing to him from persons within the state, a petition may  
4 be filed as provided in section one, stating the nature and  
5 amount of such debts and obligations, so far as known, and  
6 praying that a receiver thereof may be appointed. The  
7 court may thereupon issue a notice as above provided, with-  
8 out issuing a warrant, and may, upon the return of said

9 notice and after a hearing, dismiss the petition or appoint a  
10 receiver and authorize and direct him to demand and collect  
11 the debts and obligations specified in said petition. The re-  
12 ceiver shall give bond as provided in section five, and shall  
13 hold the proceeds of such debts and obligations and all  
14 property received by him, and distribute the same as here-  
15 inafter provided. He may be further authorized and di-  
16 rected as provided in the preceding section.

Sect. 9. The court may make orders for the care, custody,  
2 leasing and investing of all property and its proceeds in the  
3 possession of the receiver. If any of said property consists  
4 of live animals or is perishable or cannot be kept without  
5 great or disproportionate expense, the court may after the  
6 return of the warrant, order all or part of said property to  
7 be sold at public or private sale. After the appointment of  
8 a receiver, upon his petition and after notice the court may  
9 order all or part of said property including the rights of the  
10 absentee in land, to be sold at public or private sale to  
11 supply money for payments authorized by this chapter or for  
12 reinvestment approved by the court.

Sect. 10. The court may order said property or its pro-  
2 ceeds acquired by mortgage, lease or sale to be applied in  
3 payment of charges incurred or that may be incurred in the  
4 support and maintenance of the absentee's wife and minor  
5 children, and to the discharge of such debts and claims for  
6 alimony as may be proved against said absentee.

Sect. 11. The court may authorize the receiver to adjust  
2 by arbitration or compromise any demand in favor of or  
3 against the estate of such absentee.

Sect. 12. The receiver shall be allowed such compensation  
2 and disbursements as the court orders, to be paid out of said  
3 property or proceeds. If within fourteen years after the  
4 date of the disappearance or absconding as found and re-  
5 corded by the court, such absentee appears, or an adminis-  
6 trator, executor, assignee in insolvency or trustee in bank-  
7 ruptcy of said absentee is appointed, such receiver shall  
8 account for, deliver and pay over to him the remainder of  
9 said property. If said absentee does not appear and claim  
10 said property within said fourteen years, all his right, title  
11 and interest in said property, real or personal, or the pro-  
12 ceeds thereof shall cease, and no action shall be brought  
13 by him on account thereof.

Sect. 13. If at the expiration of said fourteen years said  
2 property has not been accounted for, delivered or paid over  
3 under the preceding section, the court shall order the dis-  
4 tribution of the remainder to the persons to whom, and in  
5 the shares and proportions in which, it would have been  
6 distributed if said absentee had died within the state on the  
7 day fourteen years after the date of the disappearance or  
8 absconding as found and recorded by the court.

Sect. 14. If such receiver is not appointed within thirteen  
2 years after the date found by the court under section five,  
3 the time limited for accounting for, or fixed for distributing,  
4 said property or its proceeds, or for barring actions relative  
5 thereto, shall be one year after the date of the appointment  
6 of the receiver instead of the fourteen years provided in the  
7 two preceding sections.