

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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H. P. No. 497

H. D. No. 102

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House of Representatives, Feb. 11, 1925.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Burnham of Kittery.

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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 Relating to Distribution of Personal Estate.

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

Section Twenty-one of Chapter Seventy of the Revised  
2 Statutes, Nineteen Hundred Sixteen, is hereby amended by  
3 inserting after the word "estate" in the eighteenth line, the  
4 words 'or pecuniary legacy,' so that said Section, as amend-  
5 ed, shall read as follows:

'Sect. 21. When on the settlement of any account of an  
2 administrator, executor, guardian or trustee there appears  
3 to remain in his hands property not necessary for the pay-  
4 ment of debts and expenses of administration, or for the  
5 payment of pecuniary legacies of fixed amount, nor speci-

6 fically bequeathed, the judge upon petition of any party  
7 interested, after public notice and such other notice as he  
8 may order, shall determine who are entitled to the estate  
9 and their respective shares therein under the will or accord-  
10 ing to law, and order the same to be distributed accordingly;  
11 and alienage shall be no bar to any person, who, in other  
12 respects, is entitled to receive any part of such property.  
13 If an executor, administrator, guardian or trustee neglects  
14 to distribute the property in his hands in pursuance of such  
15 order, and the parties in interest reside out of the state,  
16 and had no actual notice of any such settlement of account,  
17 the judge, on petition of any such party, may, within six  
18 years after such settlement, order such executor, adminis-  
19 trator, guardian or trustee to render a new account. If  
20 any sum of money directed by a decree of the probate court  
21 to be paid over, in any solvent or insolvent estate, or pecuni-  
22 ary legacy, remains for six months unclaimed, the executor,  
23 administrator, guardian or trustee who was ordered to pay  
24 over the same, shall pay such sum of money to the treasurer  
25 of the county in which the probate court has jurisdiction,  
26 who shall give a receipt therefor, specifying the amount,  
27 name of estate and name of person entitled thereto, which  
28 said receipt shall be filed in the probate court and allowed  
29 as a sufficient voucher therefor. When an executor, admin-  
30 istrator, guardian or trustee has paid or delivered over to  
31 the persons entitled thereto the money or other property in  
32 his hands, as required by a decree of a probate court, he

33 may perpetuate the evidence thereof by presenting to said  
34 court, without further notice, within one year after the  
35 decree is made, an account of such payments or of the  
36 delivery over of such property; which account being proved  
37 to the satisfaction of the court, and verified by the oath of  
38 the party, shall be allowed as his final discharge, and ordered  
39 to be recorded. If such account is presented after one year  
40 from the date of the decree, it may be allowed after public  
41 notice.'

## STATEMENT OF FACTS

In cases where testator, by will, makes a pecuniary legacy of fixed amount and the legatee cannot be found, there is no law at the present time covering such a contingency. It is, therefore, apparent that as the law now stands an estate cannot be legally finally settled. While in most cases such pecuniary legacy is only one dollar, yet there are many of larger amount.