

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 1060

H. D. No. 285

House of Representatives, March 6, 1925.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Nichols of Portland.

STATE OF MAINE

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

AN ACT in Relation to Bonds Required of Executors and
Administrators.

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

Section 1. Section ten of chapter sixty-eight of the re-
2 vised statutes is hereby amended by inserting after the word
3 "executor" in the third line thereof, the words, 'if he is a
4 resident of the State of Maine,' and by inserting after the
5 word "proper" in the fifth line of said section the words,
6 'or when it appears that there may be an inheritance tax
7 due'; also by striking out in said fifth line the word "may,"
8 and inserting in place thereof the word 'shall,' and by in-
9 serting after the word "him" in said fifth line the words,
10 'at any time during the process of his administration,' and

11 by adding at the end of said section the following words,
12 'or in an amount sufficient to cover the payment of such
13 tax; but letters testamentary shall not issue without bond
14 or upon filing bond without sureties under the provisions of
15 this section unless the petition for the probate of the will
16 contains an application that no bond or a bond without
17 sureties be required, and the fact of such application is
18 stated in the public notice on such petition. Any executor
19 who is not a resident of this state shall be required to give
20 a bond,' so that said section, as amended, shall read as
21 follows:

'Sect. 10. *Will May Prescribe What Bond Executor Shall*
2 *Give.* Letters testamentary may issue, and all acts required
3 by law or otherwise under the provisions of the will may
4 be done and performed by the executor, if he is a resident
5 of the State of Maine, without giving bond, or by his giving
6 one in a specified sum, or without sureties, when the will
7 so provides; but when it appears necessary or proper, or
8 when it appears that there may be an inheritance tax due,
9 the judge shall require him at any time during the process
10 of his administration to give bond with sureties as in other
11 cases, or in an amount sufficient to cover the payment of
12 such tax; but letters testamentary shall not issue without
13 bond or upon filing bond without sureties under the pro-
14 visions of this section unless the petition for the probate of
15 the will contains an application that no bond or a bond
16 without sureties be required, and the fact of such application

17 is stated in the public notice on such petition. Any execu-
18 tor who is not a resident of this state shall be required to
19 give a bond.'

Sect. 2. Section twenty of chapter sixty-eight of the re-
2 vised statutes and all acts and parts of acts amendatory
3 thereto are hereby repealed.

Sect. 3. The first paragraph of section twenty-two of
2 chapter sixty-eight of the revised statutes is hereby amended
3 by striking out the words, "except when a bond is not re-
4 quired as provided in section twenty," in the first and second
5 lines of said section, so that said first paragraph, as amended,
6 shall read as follows:

'Sect. 22. *Bonds of Administrators.* Every administrator,
2 before entering on the execution of his trust, shall give bond
3 with good and sufficient sureties resident within the state,
4 or with a surety company authorized to do business in the
5 state, as surety, in such sum as the judge orders, payable to
6 him or his successors, conditioned, in substance as follows:'

Sect. 4. Section twenty-eight of chapter sixty-eight of
2 the revised statutes is hereby amended by striking out in the
3 first and second lines thereof the words "except when a
4 bond is not required as provided in section twenty," so that
5 said section, as amended, shall read as follows:

'Sect. 28. *Bond of Administrator With the Will Annexed,*
2 *and De Bonis Non.* Every person appointed administrator
3 with the will annexed, shall before entering upon the exe-
4 cution of his trust, give such bond to the judge as is re-

5 quired of an executor. Every administrator de bonis non
6 shall give such bond as is required of an executor or ad-
7 ministrator, as the case may demand.'

Sect. 5. Section forty-one of chapter sixty-eight of the
2 revised statutes is hereby repealed.