

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-SECOND LEGISLATURE

H. P. No. 1104

H. D. No. 339

House of Representatives, March 10, 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 Relating to Removal of Executors or Administrators.

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

Section twenty-four of chapter sixty-eight of the revised
2 statutes is hereby amended by striking out the whole of said
3 section and inserting in place thereof the following:

'Sect. 24. When an executor or administrator residing in
2 the state or when an executor or administrator residing out
3 of the state and having an agent living therein duly ap-
4 pointed, as provided in section forty-four of chapter sixty-
5 eight and acts amendatory thereof and additional thereto,
6 neglects to file an inventory or render his accounts and set-
7 tle the estate according to law, or when such executor or

8 administrator, joint or sole, becomes insane or mismanages
9 the estate, the judge of probate in all such cases may re-
10 move him after being cited by the judge of probate on a
11 petition by the attorney general or any party interested and
12 a hearing; in case of an executor or administrator residing
13 out of the state and having an agent therein living as above
14 provided, then the citation above referred to shall be served
15 on such agent, but when an executor or administrator re-
16 siding out of the state or having removed from the state
17 after being so appointed, and in neither of said last named
18 cases has any agent duly appointed and living in the state,
19 neglects to file an inventory or render his accounts and set-
20 tle the estate according to law, the judge of probate may
21 remove him without notice upon the petition of the attorney
22 general or any party interested. In all cases after any such
23 removal the judge of probate may appoint another person
24 to administer the estate according to law; and he may ac-
25 cept the resignation of any joint or sole executor or ad-
26 ministrator, when he is satisfied, after public or personal
27 notice to those interested, and a hearing, that there is reason-
28 able cause therefor, and that it will not be detrimental to
29 the estate or to those interested therein; and in either case,
30 if there is no other executor or administrator to discharge
31 the trust, the judge may commit administration of the estate
32 not already administered, with the will annexed or other-
33 wise, as the case requires, to such persons as he thinks fit,
34 as if the one resigned or removed were dead; and such ad-

35 ministrator shall have the same powers and be liable to the
36 same obligations as other administrators or executors whom
37 he succeeds. All acts and parts of acts inconsistent here-
38 with are hereby repealed.'