

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 584

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H. P. 1581 House of Representatives, March 1, 1929.

Referred to Committee on Revision of Statutes and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Williamson of Augusta.

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STATE OF MAINE

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

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AN ACT Relating to the Appointment of Public  
Administrators.

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

Section 1. Section twenty-nine of chapter sixty-eight of  
2 the revised statutes as amended, is hereby further amended  
3 by striking out all of said section and inserting in place  
4 thereof the following:

'Sect. 29. The governor, with the advice and consent of  
2 the council shall appoint in each county for the term of  
3 four years, unless sooner removed, a public administrator  
4 therein, who shall, upon petition to the probate court and  
5 after due notice thereon, take out letters of administration

6 and administer on the estates of persons who die intestate  
7 in said county, not known to have in the state a widow,  
8 widower, or any heirs or kindred who can lawfully inherit  
9 such estate; and who shall account in like manner and give  
10 bond to the judge with like condition as in cases of ordinary  
11 administration, subject however, to the provisions of the  
12 following section; and provided also that if any widow,  
13 widower or next of kin of said deceased shall prior to the  
14 issuing of letters of administration to said public adminis-  
15 trator, file a petition in probate court asking that said ad-  
16 ministration be granted to said widow, widower or next of  
17 kin or to any other person designated by them, the said  
18 probate court after due notice shall appoint an adminis-  
19 trator as prayed for in said petition.'

Sect. 2. Section thirty of chapter sixty-eight of the re-  
2 vised statutes is hereby amended by inserting in the second  
3 line thereof after the word "deceased" the words 'in the  
4 hands of the public administrator,' so that said section as  
5 amended shall read as follows:

'Sect. 30. If, before the estate of such deceased in the  
2 hands of the public administrator is fully settled, any last  
3 will and testament of his is produced and duly proved, or  
4 if any of his heirs, next of kin, or his widow makes appli-  
5 cation in writing to the judge having jurisdiction of the  
6 estate, and claims the right to administer thereon or to have  
7 some other suitable person appointed to that trust, the judge  
8 shall revoke the former administration and grant letters

9 testamentary, or new administration, as the case requires;  
10 and thereupon the public administrator shall surrender his  
11 letters of administration to such judge, settle his account,  
12 and deliver to his successor all sums of money in his hands,  
13 and all goods, chattels, rights and credits of said deceased,  
14 not administered upon.'

Sect. 3. Section thirty-one of chapter sixty-eight of the  
2 revised statutes is hereby amended by striking out the  
3 whole of said section and inserting in place thereof the  
4 following:

'Sect. 31. When there is, in the hands of such public  
2 administrator, an amount of money, more than is neces-  
3 sary for the payment of the deceased's debts and for other  
4 purposes of administration, if no widow, widower or heirs  
5 of said deceased have been discovered, said administrator  
6 shall be required by the judge to deposit it with the treas-  
7 urer of state, who shall receive it; the state shall be respon-  
8 sible for the principal thereof, for the benefit of those who  
9 may lawfully claim it; and the governor and council, on  
10 application and proof, may order the treasurer to pay it  
11 over, and such principal is hereby appropriated to pay such  
12 lawful claims.

If during the process of administration any widow,  
2 widower or heirs of said deceased are discovered, then the  
3 probate court shall order distribution of the estate in the  
4 same manner as in the case of ordinary administration.'

Sect. 4. Section thirty-two of chapter sixty-eight of the

2 revised statutes is hereby amended by striking out in the  
3 first and second lines thereof the words "In such case"  
4 and inserting in place thereof the words 'In all cases where  
5 the public administrator is ordered to pay the balance of  
6 the estate to the treasurer of state,' so that said section as  
7 amended shall read as follows:

'Sect. 32. In all cases where the public administrator is  
2 ordered to pay the balance of the estate to the treasurer of  
3 state, the judge shall give notice to the treasurer of state  
4 of such amount, and from what estate it is receivable; and  
5 if said administrator neglects, for three months after the  
6 order of the judge therefor, to deposit the same, the treas-  
7 urer shall cause his probate bond to be put in suit for the  
8 recovery thereof.'