

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 770

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H. P. 1707      House of Representatives, March 27, 1929.

Reported by Mr. Aldrich from Committee on Revision of Statutes and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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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 four  
3 years, unless sooner removed, a public administrator therein,  
4 who shall, upon petition to the probate court and after due  
5 notice thereon, take out letters of administration and ad-  
6 ministrator on the estates of persons who die intestate in

7 said county, not known to have in the state a widow, wid-  
8 ower, or any heirs or kindred who can lawfully inherit such  
9 estate; and who shall account in like manner and give bond  
10 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 administrator  
19 as prayed for in said petition.'

Sect. 2. Section thirty of chapter sixty-eight of the revised  
2 statutes is hereby amended by inserting in the second line  
3 thereof after the word "deceased" the words 'in the hands  
4 of the public administrator,' and by striking out in the third  
5 line thereof after the word "of" the word "his" and by  
6 inserting in place thereof the words 'such deceased' and  
7 by striking out in the third line after the word "any" the  
8 words "of his" and by striking out in the fourth line after  
9 the word "kin" the words "or his" and by inserting in the  
10 fourth line after the word "widow" the words 'or widower  
11 of such deceased,' so that said section as amended shall read  
12 as follows:

'Sect. 30. If, after the estate of such deceased in the  
2 hands of the public administrator is fully settled, any last

3 will and testament of such deceased is produced and duly  
4 proved, or if any heirs, next of kin, widow or widower of  
5 such deceased makes application in writing to the judge  
6 having jurisdiction of the estate, and claims the right to  
7 administer thereon or to have some other suitable person  
8 appointed to that trust, the judge shall revoke the former  
9 administration and grant letters testamentary, or new ad-  
10 ministration, as the case requires; and thereupon the public  
11 administrator shall surrender his letters of administration  
12 to such judge, settle his account, and deliver to his successor  
13 all sums of money in his hands, and all goods, chattels, rights  
14 and credits of said deceased, not administered upon.'

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

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

If during the process of administration of such estate any

2 widow, widower or heirs of said deceased are discovered,  
3 then the probate court shall order distribution of the estate  
4 in the same manner as in the case of ordinary administra-  
5 tion.'

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" and  
4 inserting in place thereof the words 'In all cases where the  
5 public administrator is ordered to pay the balance of the  
6 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 of such amount, and from what estate it is receivable;  
4 and if said administrator neglects, for three months after  
5 the order of the judge therefor, to deposit the same, the  
6 treasurer shall cause his probate bond to be put in suit for  
7 the recovery thereof.'