

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-FIFTH LEGISLATURE

Legislative Document

No. 310

H. P. 824

House of Representatives, Feb. 4, 1931.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Carleton of Portland.

STATE OF MAINE

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

AN ACT Relating to the Granting of Administration upon
Estates of Persons Upon Circumstantial or Presumptive
Evidence of Death.

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

Administration upon estates of persons upon circumstantial or presumptive evidence of death. Section twenty-three of chapter seventy-six of the Revised Statutes is hereby amended by striking out all of said section and inserting in place thereof the following:

‘Sect. 23. I. Whenever letters testamentary or of administration are issued upon the estate of a person alleged to be deceased, and the evidence of such decease is only circumstantial or presumptive, the letters testamentary or of administration shall state such fact.

II. In all cases where letters testamentary or of administration are granted upon circumstantial or presumptive evidence of the decease of a person, no action for the recovery of any of the property, rights or credits of such person shall be maintained by the executor or administrator so appointed until and after the expiration of six months from the time public notice of such appointment has been given according to law.

III. No person upon whose estate letters testamentary or of administration shall have been granted upon circumstantial

or presumptive evidence of the decease of such person, shall commence or maintain any action to recover any property, rights or credits that may have been paid to such executor or administrator; commence or maintain any action against such executor or administrator or his assigns, or any other person, by reason of any act of such executor or administrator, done under the authority of his letters testamentary or of administration; commence or maintain any action against any person, his heirs or assigns, claiming title as devisee or under the statute of descent to recover any property included in the inventory or account of the executor or administrator; unless the action is commenced within six months from the time public notice of such appointment has been given according to law.'