

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 634

S. P. 470

In Senate, Feb. 18, 1931.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Aldrich of Sagadahoc.

STATE OF MAINE

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

AN ACT Relative to Wills Omitting Provisions for Children.

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

Any person, or persons, claiming title to any real estate in this state, or any interest therein, under the terms of the will of any deceased person, or through, by or under any person, or persons, so claiming, which such will does not contain a devise in favor of some one or more of the children or issue of any deceased child or children of the testator within the meaning or contemplation of section nine of chapter eighty-eight of the Revised Statutes, may upon the hearing on the petition for allowance of such will, or at any time thereafter, whether said decedent shall have died before or after the passage of this act, upon special petition filed in the probate court, in which such will was allowed, alleging the facts and after such reasonable notice as the judge of probate may order, offer evidence in the probate court and the judge of probate may determine as a fact that such omission was intentional or was not occasioned by mistake or that such child or issue had a due proportion of the estate during the life of the testator, from which decree an appeal may be had to the supreme court of probate; and such facts as to any or all of such omitted children or issue of deceased children may be determined in one petition.

Upon final judgment being entered such child or issue and all persons claiming by, through or under him, them or any of them, shall be thereupon barred from claiming his or their said share in the testator's real estate. A copy of such decree shall be filed in the registry of deeds in each county or district where real estate affected by it is located.

But no action hereunder shall invalidate or affect any distribution of personalty heretofore made by any executor or other duly constituted trust officer in the administration of any estate.