

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 707

H. P. 1619

House of Representatives, February 14, 1939.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. McGlauffin of Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT to Make Admissible Testimony of Surviving Parties and Declarations of Decedents in Actions by or against Representatives of Estates of Deceased Persons and Declarations of Testators or Testatrices in Proceedings for the Probate of Wills.

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

Sec. 1. R. S., c. 96, § 114, amended. Section 114 of chapter 96 of the revised statutes is hereby amended by adding at the end thereof the following paragraph :

‘In any such civil suit or proceeding at law or in equity, by or against the representatives of estates of deceased persons, or in proceedings for the probate of wills, any statement of the deceased, whether oral or written, shall not be excluded as hearsay, provided that the trial judge shall first find as a fact that the statement was made by decedent at a time when such decedent was mentally competent to understand the meaning and effect of such statement and before the beginning of the action or proceeding in the trial or hearing of which it is sought to introduce such statement, that such statement was made by the decedent in good faith and on his personal knowledge; and provided further that without any such finding by the trial judge the deposition of a party or his testimony given at a former trial may be used after his death at any trial of the same action

or of any other action by the opposite party or the representatives of his estate against the representatives of the estate of said decedent, involving the same cause of action.'

Sec. 2. R. S., c. 96, § 119, repealed. Section 119 of chapter 96 of the revised statutes and all subdivisions of said section are hereby repealed.