

MAINE STATE LEGISLATURE

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

Legislative Document

No. 680

S. P. 366

In Senate, February 11, 1941.

Referred to Committee on Judiciary and sent down for concurrence.
650 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Harvey of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**AN ACT Providing for the Disposition of Property Where There Is No
Sufficient Evidence that Persons Died Otherwise Than Simultaneously.**

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

Sec. 1. No sufficient evidence of survivorship. Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons died otherwise than simultaneously, the property of each person shall be disposed of as if he were the survivor, except as provided otherwise in this act.

Sec. 2. Two or more decedents, beneficiaries under another person's will. Where a testamentary disposition of property depends upon the priority of death of the designated beneficiaries and there is no sufficient evidence that these beneficiaries died otherwise than simultaneously the property thus disposed of shall be divided into as many equal portions as there are designated beneficiaries and these portions shall be distributed respectively to those who would take in the event that each designated beneficiary were the survivor.

Sec. 3. Decedents joint tenants or tenants by the entirety. Where there is no sufficient evidence that 2 joint tenants or tenants by the entirety died otherwise than simultaneously the property so held shall be distributed

$\frac{1}{2}$ as if one had survived and $\frac{1}{2}$ as if the other had survived. If there are more than 2 joint tenants and all of them have so died the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants.

Sec. 4. Insured presumed to survive. Where the decedents are the insured and the beneficiary respectively in policies of life or accident insurance and there is no sufficient evidence that they died otherwise than simultaneously, the proceeds of each policy shall be distributed as if the person whose life was insured therein survived.

Sec. 5. Act not retroactive. This act shall not apply to the distribution of the property of any person dying before this act takes effect nor to the distribution of the proceeds of any policy of life or accident insurance the effective date of which is prior to that upon which this act takes effect.

Sec. 6. Act does not apply if decedent provides otherwise. This act shall not apply in the case of wills, deeds, or contracts of insurance wherein provision has been made for distribution different from the provisions of this act.

Sec. 7. Uniformity of interpretation. This act shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it.

Sec. 8. Short title. This act may be cited as the "Uniform Simultaneous Death Act."

Sec. 9. Repeal. All laws or parts of laws which are inconsistent with the provisions of this act are hereby repealed.

Sec. 10. Severability. If any of the provisions of this act or the application thereof to any persons or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.