

MAINE STATE LEGISLATURE

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

Legislative Document

No. 2

H. P. 9

House of Representatives, January 14, 1943.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Grua of Livermore Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Sale of Lands of Deceased and in Insolvent Estates.

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

Sec. 1. R. S. c. 89, § 1, sub-§ I, amended. Subsection I of section 1 of chapter 89 of the revised statutes is hereby amended to read as follows:

'I. If he leaves a widow and issue, $\frac{1}{3}$ to the widow. If no issue, $\frac{1}{2}$ to the widow. And if no kindred, the whole to the widow. And to the widower shall descend the same shares in his wife's real estate. There shall likewise descend to the widow or widower the same share in all such real estate of which the deceased was seized during coverture, and which has not been barred or released as herein provided. In any event, $\frac{1}{3}$ shall descend to the widow or widower free from payment of debts, **except as provided in section 21 of chapter 85.**'

Sec. 2. R. S. c. 85, § 21, amended. Section 21 of chapter 85 of the revised statutes is hereby amended to read as follows:

'**Sec. 21. What estate of deceased is liable to sale; effect of deed.** Lands, of which the deceased died seized in fee simple or fee tail, general or special, and all that he had fraudulently conveyed, or of which he was colorably disseized to defraud creditors, are liable to sale for payment of debts, under any license granted under this chapter; and any deed, executed

and recorded in due form of law, for adequate consideration, in pursuance of such license, is effectual to pass to the purchaser all the estate, right, title and interest in the granted premises, which the deceased, ~~the ward, or other person on whose account the license was granted, might convey by a like deed, if living and not incapacitated~~ had therein at the time of his decease, or which the ward or other person, on whose account the license was granted, has therein, subject to the statutory rights of the widow, widower, wife or husband: provided, however, that in insolvent estates the probate court having jurisdiction thereof may on proper petition therefor order the sale of such real estate free from such right of descent of the widow or widower, and in such case the executor or administrator shall retain $\frac{1}{3}$ of the sale price for the use of such widow or widower and they shall be given such personal notice of the proposed sale as the court may order.'