

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. 164

H. P. 250

House of Representatives, January 28, 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 Claims and Actions Against Executors and Administrators.

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

Sec. 1. R. S., c. 101, § 14, amended. Section 14 of chapter 101 of the revised statutes is hereby amended to read as follows:

‘Sec. 14. Claims against estates to be filed in writing with affidavit; no action for 30 days; claims not filed, barred. All claims against estates of deceased persons, except for **funeral expenses, expenses of administration, legacies, and** distributive shares, and for labor and materials for which suit may be commenced under section 34 of chapter 105, shall be presented to the executor or administrator in writing, or filed in the registry of probate, supported by an affidavit of the claimant, or of some other person cognizant thereof, either before or within 12 months after his qualification as such executor or administrator; and no action shall be commenced against such executor or administrator on any such claim until 30 days after the presentation or filing of such claim as above provided. Any claim not so presented or filed shall be forever barred against the estate, except as provided in sections 16, 18 and 20 of this chapter.’

Sec. 2. R. S., c. 101, amended. Chapter 101 of the revised statutes is

hereby amended by adding thereto a new section to be numbered 14-A and to read as follows:

'Sec. 14-A. Claims presented against estates to be filed by executor or administrator; final account not allowed unless claims are paid or barred. An executor or administrator shall file a true and complete list of all claims so presented or filed against the estate, giving the name and address of the claimant and the amount of the claim. The final account of such executor or administrator shall not be allowed by the court unless the court finds that all claims so listed have been paid or barred by the provisions of the following section.'

Sec. 3. R. S., c. 101, amended. Chapter 101 of the revised statutes is hereby amended by adding thereto a new section to be numbered 14-B and to read as follows:

'Sec. 14-B. Executor or administrator to give notice if claims against estates disputed; claims barred unless actions brought within time limit. If an executor or administrator disputes a claim, or portion thereof, so presented or filed, he shall give notice in writing to the claimant, his agent, or attorney of record, of that which he disputes. When such notice has been given, the claimant shall commence and serve an action to recover on the disputed claim within 3 months after the receipt of such notice, or within 15 months after the qualification of such executor or administrator, whichever is the longer period; otherwise, such claim shall be forever barred against said estate in like manner as if it had not been presented or filed as provided in section 14.'

Sec. 4. R. S., c. 101, § 15, amended. Section 15 of chapter 101 of the revised statutes is hereby amended to read as follows:

'Sec. 15. Continuance of actions, if brought within 1 year after qualification; without costs. Actions against executors or administrators, on such claims, if brought within 1 year after their qualification, shall be continued without cost to either party, until said year expires and be barred by a tender of the debt within the year, except actions on claims not affected by the insolvency of the estate and actions on appeals from commissioners of insolvency or other commissioners appointed by the judge of probate. ~~No action shall be maintained against an executor or administrator on a claim or demand against the estate, except for legacies and distributive shares, and except as provided in section 17, unless commenced and served within 20 months after his qualification as such executor or administrator.~~ When an executor, administrator, guardian, conservator, or

testamentary trustee, residing out of the state, has no agent or attorney in the state, service may be made on 1 of his sureties in the same manner and with the same effect as if made on him.'

Sec. 5. R. S., c. 76, § 55, amended. Section 55 of chapter 76 of the revised statutes is hereby amended to read as follows:

'Sec. 55. Accounts when rendered; notice and examination. Every executor or administrator shall render his accounts agreeably to the condition of his bond; and the judge may require him to account, when he deems it necessary. Public notice shall be given before the allowance of any such account unless waived by all parties in interest other than creditors. On the examination thereof, the accountant may be interrogated under oath in relation to the same, and such record of his answers shall be made as the judge requires, **provided, however, that the final account of an executor or administrator shall not be allowed unless the court finds that the funeral expenses, expenses of administration, and all claims presented or filed against the estate have been paid or are barred as provided in section 14-B of chapter 101.'**