

# MAINE STATE LEGISLATURE

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# NINETY - SECOND      L E G I S L A T U R E

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**Legislative Document**

**No. 109**

H. P. 326

House of Representatives, January 25, 1945.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Haskell of Portland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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### AN ACT Relating to Public Administrators.

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

**Sec. 1. R. S., c. 141, § 44, amended.** Section 44 of chapter 141 of the revised statutes is hereby amended to read as follows:

**'Sec. 44. Appointment, duty, and bonds of public administrators.** The governor, with the advice and consent of the council, shall appoint in each county for the term of 4 years, unless sooner removed, a public administrator therein, who shall, upon petition **of the public administrator or by any other person** to the probate court and after due notice thereon, **or without notice if the judge of probate finds that for any reason delay in the appointment would result in loss of material assets belonging to the estate**, take out letters of administration and administer on the estates of persons who die intestate in said county, **or elsewhere leaving property in his county**, not known to have in the state a widow, widower, or any heirs or kindred who can lawfully inherit such estate; and who shall account in like manner and give bond to the judge with like condition as in cases of ordinary administration, subject, however, to the provisions of the following section; and provided also that if any widow, widower, or next of kin of said deceased shall, prior to the issuing of letters of administration to said public administrator, file a petition in probate court asking that said administration be

granted to said widow, widower, or next of kin, or to any other person designated by them, the said probate court after due notice shall appoint an administrator as prayed for in said petition.'

**Sec. 2. R. S., c. 141, § 47, amended.** Section 47 of chapter 141 of the revised statutes is hereby amended to read as follows:

**'Sec. 47. Notice to be given to treasurer.** In all cases where **letters of administration are granted to a public administrator, the judge shall immediately send to the treasurer of state a copy of the petition and his decree thereon, and in all cases where** the public administrator is ordered to pay the balance of the estate to the treasurer of state, the judge shall give notice to the treasurer of state of such amount and from what estate it is receivable; and if said administrator neglects, for 3 months after the order of the judge therefor, to deposit the same, the said treasurer shall cause his probate bond to be put in suit for the recovery thereof.'

**Sec. 3. R. S., c. 150, § 1, sub-§ IX, amended.** Subsection IX of section 1 of chapter 150 of the revised statutes is hereby amended to read as follows:

**'IX.** Of public administrators, after ~~3 years~~ **1 year** from the granting of administration, to sell any or all of the real estate of the deceased, when it appears to be for the interest of all concerned and that no heir or other person interested therein, except creditors, can be found in the United States.'