

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 167

H. P. 425

House of Representatives, January 30, 1945.

Referred to Committee on Judiciary, sent up for concurrence and printing ordered.

HARVEY R. PEASE, Clerk.

Presented by Mr. Ward of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to Rights of Surviving Husbands and Wives.

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

R. S., c. 156, § 14, amended. Section 14 of chapter 156 of the revised statutes is hereby amended to read as follows:

'Sec. 14. Share of estate to which widow or widower waiving provisions of will, or when no provision is made in will, is entitled. When a provision is made in a will for the widow of a testator who died after the 26th day of April, 1897, or for the widower of a testatrix, who died after the 1st day of June, 1903, and such provision is waived as aforesaid, such widow or widower shall have and receive the same share of the real estate and the same distributive share of the real and personal estate of such testator or testatrix as is provided by law in intestate estates, **except that if such testator, or testatrix, died leaving no kindred, such widow or widower shall have and receive the same share of the real estate and the same distributive share of the real and personal estate of such testator or testatrix as is provided by law in intestate estates of persons deceased who die leaving kindred.** When no provision is made for his widow in the will of a testator who died after the 26th day of April, 1897, or for her widower in the will of a testatrix who died after the 1st day of June, 1903, such widow or widower shall likewise have and receive the same share of the

real estate and the same distributive share of the **real and** personal estate of such testator or testatrix as is provided by law in intestate estates, **except that if such testator, or testatrix, died leaving no kindred, such widow or widower shall have and receive the same share of the real estate and the same distributive share of the real and personal estate of such testator or testatrix as is provided by law in intestate estates of persons deceased who died leaving kindred,** provided such widow or widower shall within 6 months after the probate of such will file in the registry of probate written notice that she or he claims such share of the real and personal estate of such testator or testatrix. Such notice may be filed by an insane widow or widower by his or her guardian, or by a guardian ad litem appointed for the purpose. Any notice filed under the provisions of this or the preceding section shall be recorded by the register of probate in the record books of the probate court where such notice is filed, but a failure to record such notice shall not in any way affect the rights of any widow or widower.'