

# 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

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**Legislative Document**

**No. 642**

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S. P. 242

In Senate, February 8, 1945.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Clough of Penobscot.

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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 to the probate court and after due notice thereon, take out letters of administration and administer on the estates of persons who die intestate in said county, **or elsewhere leaving property in said 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 45; 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~~ **may** appoint an administrator as prayed for in said petition.'

**Sec. 2. R. S., c. 141, amended.** Chapter 141 of the revised statutes is hereby amended by inserting therein a new section to be numbered 44-A, to read as follows :

**'Sec. 44-A. Fees of public administrator.** Said public administrator may be allowed the fees and commission as in case of ordinary administration; and, in addition where in the opinion of the judge such fees and commission fail to give adequate compensation for the services rendered, he may be allowed such additional compensation as the judge shall consider fair and reasonable, but not more than an additional 5% on the amount of personal assets that come into the hands of said public administrator.'

**Sec. 3. R. S., c. 141, amended.** Chapter 141 of the revised statutes is hereby amended by inserting therein a new section to be numbered 44-B, to read as follows :

**'Sec. 44-B. Conserving property, pending appointment.** Pending the appointment of said public administrator, when it appears necessary or expedient, said public administrator may proceed to conserve the property of the estate.'

**Sec. 4. R. S., c. 141, § 45, amended.** Section 45 of chapter 141 of the revised statutes is hereby amended to read as follows :

**'Sec. 45. When the judge may revoke his powers.** If, before the estate of such deceased in the hands of the public administrator is fully settled, any last will and testament of such deceased is produced and duly proved, or if any heirs, next of kin, widow, or widower of such deceased makes application in writing to the judge having jurisdiction of the estate, and claims the right to administer thereon or to have some other suitable person appointed to that trust, the judge ~~shall~~ **may** revoke the former administration and grant letters testamentary, or new administration, as the case requires; and thereupon the public administrator shall surrender his letters of administration to such judge, settle his account, and deliver to his successor all sums of money in his hands, and all goods, chattels, rights, and credits of said deceased not administered upon.'

**Sec. 5. 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. 5. 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.'

**Sec. 6. R. S., c. 150, § 1, sub-§ III, amended.** Subsection III of section 1 of chapter 150 of the revised statutes is hereby amended to read as follows:

'III. Of executors, administrators, ~~or~~ guardians, or public administrators, when it appears by the petition and proof that the residue would be greatly depreciated by a sale of any portion under the foregoing authority, to sell the whole or such parts thereof as will not injure the residue.'