

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 983

H. P. 1630

House of Representatives, February 23, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. McClure of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Licenses to Sell Real Estate of Surviving Husband or Wife.

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

R. S., c. 150, § 1, sub-§ XI, additional. Section 1 of chapter 150 of the revised statutes, as amended, is hereby further amended by adding thereto a new subsection to be numbered XI, to read as follows:

‘XI. Whenever any executor or administrator shall be licensed to sell, mortgage, lease or exchange any real estate of a deceased person in accordance with the provisions of subsections I to X, inclusive, and the surviving husband or wife owning a $\frac{1}{2}$ or $\frac{1}{3}$ interest in such property, as the case may be, will not join said executor or administrator in the sale, mortgage, lease or exchange of said real estate, or is a non-resident of the state, or if his or her whereabouts is unknown, or if the surviving husband or wife is incapacitated and has no guardian in this state, the executor or administrator may petition the judge of probate having jurisdiction of the estate, for license to sell, mortgage, lease or exchange the interest of the surviving husband or wife in the same manner and for the same reasons as provided in subsections I to X, inclusive, and the judge of probate may, after such notice as he may order, license the

executor or administrator to sell, mortgage, lease or exchange the interest of the surviving husband or wife in such property, in the same manner as he may license the executor or administrator to sell, mortgage, lease or exchange the real estate of the deceased. The executor or administrator shall pay over to the judge of probate such amount of the proceeds of the sale, mortgage, lease or exchange of the entire property as equals $\frac{1}{2}$ or $\frac{1}{3}$, as the interest of the surviving husband or wife may appear, and such sum shall be deposited with the treasurer of the county having jurisdiction of the estate and paid by the treasurer to the surviving husband or wife, or their legal representatives, on demand. If such sum remains with the said treasurer of the county after the expiration of 40 years without demand by the party entitled to the same, such sum shall be turned over to the general funds of such county.'