

# MAINE STATE LEGISLATURE

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NEW DRAFT UNDER NEW TITLE OF H. P. 158—L. D. 89

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Legislative Document

No. 1379

H. P. 1803

House of Representatives, May 9, 1951.

Reported by Mr. Delahanty from the Committee on Judiciary and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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AN ACT Relating to Rights of Married Persons.

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

**Sec. 1. R. S., c. 155, § 1, amended.** Section 1 of chapter 155 of the revised statutes is hereby amended to read as follows:

**'Sec. 1. Will, by whom and how to be made.** A person of sound mind and of the age of 21 years and a married ~~woman~~ ~~or~~ ~~person~~, widow ~~or~~ ~~widower~~ of any age may dispose of his real and personal estate by will, in writing, signed by him, or by some person for him at his request and in his presence, and subscribed in his presence by 3 credible attesting witnesses, not beneficially interested under said will.'

**Sec. 2. R. S., c. 153, § 35, amended.** Section 35 of chapter 153 of the revised statutes is hereby amended to read as follows:

**'Sec. 35. Rights of married persons to hold and dispose of property; exceptions.** A married ~~woman~~ ~~person~~, widow ~~or~~ ~~widower~~, of any age, may own in ~~his~~ ~~or~~ her own right real and personal estate acquired by descent, gift or purchase; and may manage, sell, convey and devise the same by will, without the joinder or assent of ~~her~~ ~~husband~~ ~~or~~ ~~wife~~; but such conveyance without the joinder or assent of the husband ~~or~~ ~~wife~~

shall not bar his **or her** right and interest by descent in the estate so conveyed. Real estate directly conveyed to ~~her~~ **a wife** by her husband cannot be conveyed by her without the joinder of her husband except real estate conveyed to her as security or in payment of a bona fide debt actually due to her from her husband. When payment was made for property conveyed to her from the property of her husband, or it was conveyed by him to her without a valuable consideration, it may be taken as the property of her husband to pay his debts contracted before such purchase.'