

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 638

S. P. 237

In Senate, February 12, 1957.

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Woodcock of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Claims Against Estates of Decedents.

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

Sec. 1. R. S., c. 165, § 15, amended. Section 15 of chapter 165 of the Revised Statutes is hereby amended to read as follows:

'Sec. 15. Claims against estates filed in writing with affidavit; no action for 30 days; claims not filed barred. All claims against estates of deceased persons, including claims for amounts paid under the provisions of sections 276 to 297, inclusive, of chapter 25, and except for funeral expenses, expenses of administration, legacies, distributive shares and for labor and materials for which suit may be commenced under the provisions of section 39 of chapter 178, shall be presented to the executor or administrator in writing or filed in the registry of probate, supported by an affidavit of the claimant or of some other person cognizant thereof, either before or within ~~12~~ 6 months after his qualification as such executor or administrator. ~~and no~~ No action shall be commenced against such executor or administrator on any such claim until 30 days after the presentation or filing of such claim ~~as above provided~~. Any claim not so presented or filed shall be forever barred against the estate, except as provided in sections 18, 20 and 22.'

Sec. 2. R. S., c. 165, § 17, amended. Section 17 of chapter 165 of the Revised Statutes is hereby amended to read as follows:

'Sec. 17. Continuance of actions, if brought within 6 months after qualification, without costs. Actions against executors or administrators on such claims, if brought within ~~one year~~ 6 months after their qualification, shall be continued without cost to either party until said ~~year~~ 6 months expires and be barred by a

tender of the debt within the ~~year~~ **6 months**, except actions on claims not affected by the insolvency of the estate and actions on appeals from commissioners of insolvency or other commissioners appointed by the judge of probate. No action shall be maintained against an executor or administrator on a claim or demand against the estate, except for legacies and distributive shares, and except as provided in section 19, unless commenced and served within ~~20~~ **12** months after his qualification as such executor or administrator. When an executor, administrator, guardian, conservator or testamentary trustee, residing out of the State, has no agent or attorney in the State, service may be made on one of his sureties in the same manner and with the same effect as if made on him.'

Sec. 3. R. S., c. 165, § 18, amended. Section 18 of chapter 165 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 18. When action does not accrue within 6 months.** When an action on a covenant or contract does not accrue within said ~~12~~ **6** months, the claimant may file his demand in the registry of probate within that time, verified as required in case of claims presented to the commissioners on insolvent estates. ~~;~~ ~~and the~~ **The** judge of probate shall direct that sufficient assets, if such there are, shall be retained by the executor or administrator, unless the heirs or devisees of the estate give bond to the executor or administrator, with one or more sureties, approved by the judge to pay whatever is found due on said claim.'

Sec. 4. R. S., c. 165, § 20, amended. Section 20 of chapter 165 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 20. Remedy on claim not filed within 6 months.** When such claim has not been filed in the probate office within said ~~12~~ **6** months, the claimant may have remedy against the heirs or devisees of the estate within ~~one year~~ **6 months** after it becomes due and not against the executor or administrator.'