

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

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gations in said application are true, may appoint two or more commissioners, who shall, after being duly sworn, and after notifying the parties as directed in their commission, meet at a convenient time and place and determine whether any and what amount shall be allowed on each claim, and report to him at such time as he may limit. Sections five, six, seven, eight, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of chapter seventy-one apply to such claims, and the proceedings thereon. No action shall be maintained on any claim so committed unless proved before said commissioners; and their report on all such claims shall be final, saving the right of appeal.'

Approved April 4, 1923.

Chapter 146.

An Act to Amend Section Eighteen of Chapter Seventy of the Revised Statutes, Relating to Allowance to Minor Children.

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

R. S., c. 70, sec. 18; relating to allowances to minor children, if no widow, in insolvent estates, amended. Section eighteen of chapter seventy of the revised statutes is hereby amended by striking out after the word "estates" in the first line thereof, the words "if there is no widow," and in the seventh line, after the word "estates," the words "where there is no widow," so that said section, as amended, shall read as follows:

'**Sec. 18. Allowances to minor children may be made in cases where deceased left a widow.** In all insolvent estates, the judge may make a like allowance from the personal estate to the minor children of the deceased, under fourteen years of age; and to those between fourteen and twenty-one years of age, who from ill health are unable to labor. And if there is a widow and such children by a former wife, the judge may, at his discretion, divide such allowance among the widow and such children of a former wife. And in solvent estates, the judge may, at his discretion, make an allowance from the personal estate to minor children under twelve years of age; when the income from their distributive shares will be insufficient for their support and education.'

Approved April 4, 1923.

Chapter 147.

An Act to Amend Section Thirteen of Chapter Eighty of the Revised Statutes, Relating to Waiver of Provisions of Will.

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

R. S., c. 80, sec. 13; relating to waiver of provisions of a will, amended.

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Section thirteen of chapter eighty of the revised statutes is hereby amended, by inserting after the word "intended" in the eleventh line thereof, the following words, 'Such election may be made by an insane widow or insane widower by his or her guardian, or by a guardian ad litem appointed for the purpose,' so that said section, as amended, shall read as follows:

'Sec. 13. Election to waive provisions of will may be made by insane widow or widower, by guardian. When a specific provision is made in a will, for the widow or widower of a testator or testatrix, who was married before the first day of May, eighteen hundred and ninety-five, and died since the first day of January, eighteen hundred and ninety-seven, or who was married on or after said first day of May, such legatee or devisee may within six months after probate of said will and not afterwards, except as hereinafter provided, make election, and file notice thereof in the registry of probate, whether to accept said provision or claim the right and interest by descent, herein provided; but is not entitled to both, unless it appear by the will that the testator or testatrix plainly so intended. Such election may be made by an insane widow or insane widower by his or her guardian, or by a guardian ad litem appointed for the purpose. If such election is not made within six months after probate of a will, and the estate is thereafter rendered insolvent, and commissioners are appointed by the judge of probate, such election may be made at any time within six months after the appointment of such commissioners. Such election shall not affect any title to real estate theretofore acquired from the executor or administrator with the will annexed, but the widow or widower may recover from such executor or administrator, if not paid within thirty days after demand therefor in writing, one-third of any sums received from real estate sold before such waiver was filed. Whenever the widow or widower is advised that the legal construction of the provisions of the will for her or him is doubtful or uncertain, the time for making such election shall be extended to thirty days after certificate is returned to the probate court in the county where the probate proceedings are had, of the final decision by the supreme judicial court upon a bill in equity, commenced by said legatee or devisee within thirty days after the probate of the will, to obtain the decision of the court as to his or her rights under it, but in no case shall the time for election be less than six months after probate. The clerk of courts for the county in which the proceedings in equity are commenced, within three days after receipt of the decision therein, shall send notice of the same to the widow or widower, or her or his solicitor of record, and transmit a certified copy of the decree to the proper probate court, where it shall be recorded, with the time of its reception.'

Approved April 4, 1923.