

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

1929

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CHAP. 232

of the person or property, or trustee duly appointed in another state or in a foreign country and duly qualified and acting, who may be entitled to any personal estate in this state, may file an authenticated copy of his appointment in the probate court for any county in which there is real property of his trust, or, if there is no such real property, in any county in which there is personal estate of his trust or to which he may be entitled, and may upon petition to said court, after due notice to all persons interested, be licensed to collect and receive such personal estate or to sell by public or private sale, or otherwise dispose of, and to transfer and convey, shares in a corporation or other personal property, if the court finds that there is no executor, administrator, guardian, conservator or trustee appointed in this state who is authorized so to collect and receive such personal estate or to dispose of such shares or other personal property, and that such foreign executor, administrator, guardian, conservator, committee, or trustee will be liable to account for such personal estate or for the proceeds thereof in the state or country in which he was appointed; and that no person resident in this state and interested as a creditor or otherwise objects to the granting of such license or appears to be prejudiced thereby; but no such license shall be granted to a foreign executor or administrator until the expiration of six months after the death of his testator or intestate, nor until all inheritance taxes payable to this state, if any, are paid or secured.'

Approved April 5, 1929.

Chapter 232.

An Act Relative to Share of a Child or His Issue Having No Devise Under a Will.

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

R. S., c. 79, sec. 9; relating to a child or his issue, having no devise, takes as an heir, amended. Section nine of chapter seventy-nine of the revised statutes is hereby amended by adding at the end thereof the following sentences:

'Upon the hearing on the petition for allowance of such will, or thereafter prior to allowance of the final account, upon special petition alleging the facts and after such reasonable notice as the judge of probate may order, evidence may be offered in the probate court and the judge of probate may determine as a fact that such omission was intentional or was not occasioned by mistake, or that such child or issue had a due proportion of the estate during the life of the testator, from which decree an appeal will be to the supreme court of probate. Upon final judgment being entered such child or issue shall be thereupon barred from claiming his said share in the testator's estate, a copy of such decree shall be filed in the

registry of deeds in each county where real estate affected by it is located,' so that said section, as amended, shall read as follows:

'Sec. 9. Determining fact that omission was intentional or was occasioned by mistake. A child, or the issue of a deceased child not having any devise in the will, takes the share of the testator's estate, which he would have taken if no will had been made, unless it appears that such omission was intentional, or was not occasioned by mistake, or that such child or issue had a due proportion of the estate during the life of the testator. Upon the hearing on the petition for allowance of such will, or thereafter prior to allowance of the final account, upon special petition alleging the facts and after such reasonable notice as the judge of probate may order, evidence may be offered in the probate court and the judge of probate may determine as a fact that such omission was intentional or was not occasioned by mistake, or that such child or issue had a due proportion of the estate during the life of the testator, from which decree an appeal will be to the supreme court of probate. Upon final judgment being entered such child or issue shall be thereupon barred from claiming his said share in the testator's estate, a copy of such decree shall be filed in the registry of deeds in each county where real estate affected by it is located.'

Approved April 5, 1929.

Chapter 233.

An Act Relative to Penalty for Making False Affidavit of Application for Pension for the Blind.

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

R. S., c. 148, sec. 19; relating to penalty for making false affidavit. Section nineteen of chapter one hundred and forty-eight of the revised statutes is hereby amended by striking out the words "be deemed guilty of perjury and shall be subject to the penalty provided by law therefor" and by inserting in place thereof the words, "be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding eleven months, or both" so that said section, as amended, shall read as follows:

'Sec. 19. Penalty for false affidavit specified. Whoever makes a false affidavit in order to secure the benefit herein provided, shall upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding eleven months, or both.'

Approved April 5, 1929.