

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Statute of Limitations for Actions against the Estate of a Decedent

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

Sec. 1. 18-A MRSA §3-108, sub-§(a), ¶(2), as enacted by PL 1983, c. 256, is amended to read:

(2). Appropriate probate, appointment or testacy proceedings may be maintained in relation to the estate of an absent, disappeared or missing person for whose estate a conservator has been appointed, at any time within 3 years after the conservator becomes able to establish the death of the protected person; and

Sec. 2. 18-A MRSA §3-108, sub-§(a), ¶(3), as amended by PL 2005, c. 683, Pt. C, §5, is further amended to read:

(3). A proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful may be commenced within the later of 12 months from the informal probate or 3 years from the decedent's death; and

Sec. 3. 18-A MRSA §3-108, sub-§(a), ¶(4) is enacted to read:

(4). A claim for a personal injury made against the decedent by a person without actual notice of the death of the decedent may be commenced against the estate of the decedent within the statute of limitations for that claim, but any recovery is limited to applicable insurance.

SUMMARY

This bill allows a claim for personal injuries against the estate of a decedent within the statute of limitations for that claim if the claimant did not have actual notice of the death of the decedent. Any recovery is limited to applicable insurance.