

TITLE 18

DECEDENTS' ESTATES AND FIDUCIARY RELATIONS

PART 1

WILLS AND PROBATE OF WILLS

Repealed

CHAPTER 1

WILLS

SUBCHAPTER 1

GENERAL PROVISIONS

§1. By whom and how made

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §22 (AMD). PL 1971, c. 598, §18 (AMD). PL 1979, c. 540, §24-C (RP).

§2. Deposit of wills in registry of probate; proceedings after death

(REPEALED)

SECTION HISTORY

PL 1973, c. 451, §§1, 9 (AMD). PL 1979, c. 540, §24-C (RP).

§3. Lands of testator passing by will

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4. After-acquired lands

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§5. Construction of devise

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§6. Property not willed

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§7. Testamentary additions to trusts

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§8. Wills rendered invalid or revoked

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§9. Custodians of wills; duty

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§10. Suppressing, secreting or destroying will

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

NUNCUPATIVE WILLS

§51. Requirements

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§52. Proof within 6 months

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§53. Limitation as to property affected

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§54. Approval; notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 3

PROBATE

SUBCHAPTER 1

GENERAL PROVISIONS

§101. Necessity of proving and allowing will to pass estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§102. Petition for probate; notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§103. Competency of witnesses

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§104. Depositions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§105. Witness or deposition where no objection to will

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§106. Subscribing witness in Armed Forces

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§107. Granting of letters testamentary

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§108. Wills lost or carried out of State; limitations

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§109. Instructions in will regarding bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

OUT-OF-STATE WILLS

§151. Proof of wills from other jurisdictions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§152. Allowance of wills proved in other jurisdictions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§153. Wills from places not requiring probate; notarial wills

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§154. Granting of letters; settling of estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 5

NOTICES

§201. Public notice, defined

(REPEALED)

SECTION HISTORY

PL 1965, c. 249 (AMD). PL 1979, c. 540, §24-C (RP).

§202. Selection of newspaper for notices

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§203. Notice of qualification of fiduciary; date

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 7

REGISTERS OF PROBATE

§251. Election; bond; salaries; copies

(REPEALED)

SECTION HISTORY

PL 1973, c. 52 (AMD). PL 1977, c. 67, §1 (AMD). PL 1979, c. 540, §24-C (RP).

§252. Condition of bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§253. Duties; records; binding of papers

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§254. Certification of will involving devise or sale of real estate to register of deeds

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§255. Notice to beneficiaries; furnishing of copies

(REPEALED)

SECTION HISTORY

PL 1973, c. 451, §2, 9 (AMD). PL 1979, c. 540, §24-C (RP).

§256. Deputy register of probate

(REPEALED)

SECTION HISTORY

PL 1977, c. 67, §2 (AMD). PL 1979, c. 540, §24-C (RP).

§257. Inspection of register's conduct of office

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§258. Register incapable or neglects duties

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§259. Records in case of vacancy

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§260. Register not to counsel or draft documents

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§261. Fees for approved blanks and forms

(REPEALED)

SECTION HISTORY

PL 1975, c. 331 (NEW). PL 1979, c. 540, §24-C (RP).

§262. Androscoggin County register to be full time

(REPEALED)

SECTION HISTORY

PL 1977, c. 657, §1 (NEW). PL 1979, c. 540, §24-C (RP).

CHAPTER 9

PROBATE BONDS

SUBCHAPTER 1

GENERAL PROVISIONS

§301. Applicability to proceedings on other bonds

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§302. Surety on probate bond may cite trust officers for accounting

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§303. Agreement for joint control

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

SUFFICIENCY OF BONDS

§351. Approval by judge

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§352. Insufficient, new required

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§353. Surety on bond discharged

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§354. New bond by principal or removal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§355. Reduction of penal sum where signed by surety company

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 3

ACTIONS ON BONDS

§401. Action on bonds in name of judge

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§402. In action against surety, principal made party

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§403. Proceedings and judgment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§404. Action on administrator's or executor's bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§405. Judgment for plaintiff

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 4

ACTION WITHOUT JUDICIAL AUTHORITY

§451. Action on bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§452. Judgment if action fails

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§453. Action on bond by creditor of insolvent estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§454. Action by creditor or legatee of solvent estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§455. Action by widow, next of kin or residuary legatee

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§456. Judgment and execution
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 5

ACTION BY JUDICIAL AUTHORITY

**§501. Judge may authorize actions; execution where failure to account
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§502. Execution against administrator when no inventory and for neglect
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§503. Judgment in trust for all interested
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 11

COSTS AND FEES

**§551. Costs in contested cases in probate court
(REPEALED)**

SECTION HISTORY

PL 1975, c. 748 (RPR). PL 1979, c. 540, §24-C (RP).

**§552. Abstracts of wills for registry of deeds
(REPEALED)**

SECTION HISTORY

PL 1967, c. 522 (AMD). PL 1969, c. 307, §§1, 2 (AMD). PL 1973, c. 227, §1 (AMD). PL 1973, c. 451, §§3, 4, 9 (AMD). PL 1979, c. 540, §24-C (RP).

**§553. Registers to account quarterly for fees
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§554. Fees of fiduciaries and surviving partners

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§555. Pay of appraisers and commissioners

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§556. Expenses of partition

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§557. Compensation of reporters

(REPEALED)

SECTION HISTORY

PL 1965, c. 235 (AMD). PL 1979, c. 540, §24-C (RP).

§558. Reporters to furnish copies

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

PART 2

DESCENT AND DISTRIBUTION

Repealed

CHAPTER 101

ALLOWANCES TO WIDOWS AND OTHERS

§801. Allowance to widows from personal estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§802. Assignment of mortgage debts

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§803. Temporary allowances during litigation

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§804. Widow's support

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§805. Allowance to minor children

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §23 (AMD). PL 1971, c. 598, §19 (AMD). PL 1979, c. 540, §24-C (RP).

§806. Allowance to husband from wife's estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 103

DESCENT OF PERSONAL PROPERTY

§851. Distribution of personal estate

(REPEALED)

SECTION HISTORY

PL 1977, c. 707, §6 (AMD). PL 1979, c. 127, §129 (AMD). PL 1979, c. 540, §24-C (RP).

§852. Valuation of estate where widow and no issue

(REPEALED)

SECTION HISTORY

PL 1973, c. 451, §§5, 9 (AMD). PL 1979, c. 540, §24-C (RP).

§853. Life insurance

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 105

DISTRIBUTION OF ESTATES OF NONRESIDENTS

§901. Rules of descent; law governing

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§902. Insolvent estates

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§903. Distribution of residue

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§904. Disposal of proceeds of sale of land under foreign will

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 107

DISTRIBUTION OF LANDS MORTGAGED OR TAKEN ON EXECUTION

§951. Lands mortgaged or taken on execution treated and sold as personal estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§952. Sale of certain real estate by license for payment of debts and charges

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§953. Death of executor or administrator

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§954. Distribution if not sold or redeemed

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 109

DESCENT, OMITTED ISSUE, DECEASED DISTRIBUTEES

§1001. Rules of descent

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1002. Degrees of kindred

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1003. Heirship of illegitimate child; descent of estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1004. Posthumous child takes intestate share

(REPEALED)

SECTION HISTORY

PL 1965, c. 427, §1 (AMD). PL 1979, c. 540, §24-C (RP).

§1005. Child or issue may have intestate share

(REPEALED)

SECTION HISTORY

PL 1965, c. 427, §2 (AMD). PL 1979, c. 540, §24-C (RP).

§1006. Contribution to loss by devisee

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1007. When one cannot contribute, loss borne by others

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1008. Rights of heirs of deceased devisees

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 111

ESTATES IN LIEU OF DOWER AND CURTESY

**§1051. Dower and curtesy abolished; vested rights and antenuptial settlements not affected
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1052. Husband or wife may bar right by deed
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1053. Right barred by accepting jointure before marriage
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1054. Right barred by pecuniary provision
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1055. Waiver of jointure by widow
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1056. Election to take intestate share
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1057. Amount of intestate share
(REPEALED)**

SECTION HISTORY

PL 1965, c. 425, §11 (AMD). PL 1979, c. 540, §24-C (RP).

**§1058. Copy of notice filed in registry of deeds
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1059. Scope of release of dower or curtesy
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1060. Rights of wife in mortgaged property

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1061. Right of wife who has not released dower

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 113

SIMULTANEOUS DEATH

§1101. Short title

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1102. No sufficient evidence of survivorship

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1103. Two or more decedents, beneficiaries under another person's will

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1104. Decedents joint tenants

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1105. Insured presumed to survive

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1106. Not retroactive

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1107. Not to apply if decedent provides otherwise

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1108. Uniformity of interpretation

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 115

ADVANCEMENTS

§1151. Advancements established

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1152. Value of advancement on distribution; not refunded

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1153. Advancements marshaled; death of one having advancement leaving issue

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 118

DISCLAIMERS OF TRANSFERS UNDER NONTESTAMENTARY INSTRUMENTS

§1251. Short title

(REPEALED)

SECTION HISTORY

PL 1975, c. 310 (NEW). PL 1979, c. 540, §24-C (RP).

§1252. Right to disclaim transfer

(REPEALED)

SECTION HISTORY

PL 1975, c. 310 (NEW). PL 1979, c. 540, §24-C (RP).

§1253. Time and place of filing

(REPEALED)

SECTION HISTORY

PL 1975, c. 310 (NEW). PL 1975, c. 623, §18-I (AMD). PL 1979, c. 540, §24-C (RP).

§1254. Effect of disclaimer

(REPEALED)

SECTION HISTORY

PL 1975, c. 310 (NEW). PL 1979, c. 540, §24-C (RP).

§1255. Waiver and bar

(REPEALED)

SECTION HISTORY

PL 1975, c. 310 (NEW). PL 1979, c. 540, §24-C (RP).

§1256. Remedy not exclusive

(REPEALED)

SECTION HISTORY

PL 1975, c. 310 (NEW). PL 1979, c. 540, §24-C (RP).

§1257. Application

(REPEALED)

SECTION HISTORY

PL 1975, c. 310 (NEW). PL 1979, c. 540, §24-C (RP).

§1258. Uniformity of interpretation

(REPEALED)

SECTION HISTORY

PL 1975, c. 310 (NEW). PL 1979, c. 540, §24-C (RP).

CHAPTER 119

DISCLAIMERS OF TRANSFERS BY WILL, INTESTACY OR APPOINTMENT

§1271. Short title

(REPEALED)

SECTION HISTORY

PL 1975, c. 311 (NEW). PL 1979, c. 540, §24-C (RP).

§1272. Right to disclaim succession

(REPEALED)

SECTION HISTORY

PL 1975, c. 311 (NEW). PL 1979, c. 540, §24-C (RP).

§1273. Time and place of filing

(REPEALED)

SECTION HISTORY

PL 1975, c. 311 (NEW). PL 1979, c. 540, §24-C (RP).

§1274. Effect of disclaimer

(REPEALED)

SECTION HISTORY

PL 1975, c. 311 (NEW). PL 1979, c. 540, §24-C (RP).

§1275. Waiver and bar

(REPEALED)

SECTION HISTORY

PL 1975, c. 311 (NEW). PL 1979, c. 540, §24-C (RP).

§1276. Remedy not exclusive

(REPEALED)

SECTION HISTORY

PL 1975, c. 311 (NEW). PL 1979, c. 540, §24-C (RP).

§1277. Application

(REPEALED)

SECTION HISTORY

PL 1975, c. 311 (NEW). PL 1979, c. 540, §24-C (RP).

§1278. Uniformity of interpretation

(REPEALED)

SECTION HISTORY

PL 1975, c. 311 (NEW). PL 1979, c. 540, §24-C (RP).

PART 3

ADMINISTRATION AND SETTLEMENT OF DECEDENTS' ESTATES

Repealed

CHAPTER 201

GENERAL PROVISIONS RELATING TO EXECUTORS AND ADMINISTRATORS

§1401. Waiver of bond; petition, public notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1402. Agent for nonresident executors or administrators

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1403. Authority to carry on business

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1404. Insurance on property

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1405. Allowance for monument or gravestones; funeral expenses of widow

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1406. Perpetual care of lots by executors and administrators

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1407. Removal or resignation of executor or administrator

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1408. Remedies between coexecutors and coadministrators

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1409. Validity of acts of removed executor or administrator

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1410. Foreign fiduciaries licensed to collect and receive personal estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1411. Determination of cases of contribution

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1412. Legacy payable on condition, no time stated; payment
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1413. Marriage of executrix or administratrix
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1414. Disposal of goods before letters issued; penalty
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1415. Bonds for payments on account
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1416. Time for payment of legacies
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 203

EXECUTORS

**§1501. Executor's bond
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§1502. Several executors; powers of majority
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 205

ADMINISTRATORS AND ADMINISTRATION

§1551. Letters of administration

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §24 (AMD). PL 1971, c. 598, §20 (AMD). PL 1977, c. 343 (AMD). PL 1979, c. 540, §24-C (RP).

§1551-A. Abstract filed with registry of deeds

(REPEALED)

SECTION HISTORY

PL 1973, c. 227, §2 (NEW). PL 1979, c. 540, §24-C (RP).

§1552. Waiver of bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1553. Refusal or delay of judge

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1554. Administrator's bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1555. Administration unnecessary; small estates

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1556. Intestate administration after 20 years

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1557. Social security payments

(REPEALED)

SECTION HISTORY

PL 1967, c. 141 (NEW). PL 1979, c. 540, §24-C (RP).

CHAPTER 207

ADMINISTRATORS WITH WILL ANNEXED AND DE BONIS NON

§1601. Appointment

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §25 (AMD). PL 1971, c. 598, §21 (AMD). PL 1979, c. 540, §24-C (RP).

§1602. Removal of executors or administrators

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1603. Death of executor

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1604. Authority of administrator de bonis non

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1605. Administrator de bonis non may prosecute, defend and sue judgments

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1606. Administrator de bonis non substituted as party on motion

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1607. Appeals

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1608. Bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 209

PUBLIC ADMINISTRATORS

§1651. Duties; bonds

(REPEALED)

SECTION HISTORY

PL 1975, c. 771, §165 (AMD). PL 1979, c. 540, §24-C (RP).

§1652. Fees

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1653. Conservation of property pending appointment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1654. Powers revoked

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1655. Distribution of balance

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §§24-C (RP). PL 1979, c. 641, §5 (RPR). PL 2003, c. 20, §T11 (AMD). PL 2011, c. 691, Pt. D, §4 (RP).

§1656. Notice; audit

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1657. Forfeit of balance to State after 20 years

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP). PL 1979, c. 641, §6 (RP).

CHAPTER 211

SPECIAL ADMINISTRATORS

§1701. Appointment; bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1702. Powers and duties

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1703. Compensation; cessation of powers

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1704. Creditor's actions; authorization of judge

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1705. Letters testamentary pending appeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 213

DISCOVERY OF PROPERTY

§1751. Citation and examination

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1752. Persons entrusted with property must account

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1753. Refusal to appear and answer when cited

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 215

INVENTORY AND APPRAISAL

§1801. Inventory

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1802. Appraisers

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1803. Revocation of warrant for appraisal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1804. Appraisal of choses in action

(REPEALED)

SECTION HISTORY

PL 1965, c. 157 (AMD). PL 1979, c. 540, §24-C (RP).

§1805. Additional inventories

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1806. Omissions from inventory

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1807. Additional bonds

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 217

PAYMENT AND COLLECTION OF DEBTS

SUBCHAPTER 1

DEBTS OF ESTATE

§1851. Executor or administrator neglecting to pay debts guilty of waste

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1852. Order for sale of personal estate; collection of demands sold

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1853. Property taken from devisee for payment of debts, loss borne equally

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1854. Marshaling of assets for payment of debts

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1855. Application of undivided real estate to debts

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1856. Payment of debts and expenses of deceased married women

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1857. Payment of mutual debts of husbands and wives

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1858. Homestead exemption; exemptions from attachment and execution

(REPEALED)

SECTION HISTORY

PL 1973, c. 512, §6 (NEW). PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

DEBTS DUE ESTATE

§1901. Lien for debt due from legatee or distributee

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1902. Assignment of debts; conditions of action

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1903. Heir indebted to estate; lien created

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 219

PARTITION OF REAL ESTATE

SUBCHAPTER 1

GENERAL PROVISIONS

§1951. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1952. Reversions or remainders divided

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1953. Equal division impossible; preferences

(REPEALED)

SECTION HISTORY

PL 1975, c. 701, §5 (AMD). PL 1979, c. 540, §24-C (RP).

§1954. Alienation of interest of surviving spouse, heir or devisee

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1955. Attachment of share of surviving spouse, heir or devisee

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1956. Estate included in partition

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1957. Application for partition by owner; notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1958. Revocation of warrant

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1959. Guardians for minors or mentally ill; agents for out of staters

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§1960. Lands owned in common

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

COMMISSIONERS

§2001. Appointment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2002. Partition of estate in different counties

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2003. Return of commissioners

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 221

LICENSE TO SELL REAL ESTATE

SUBCHAPTER 1

APPLICATION AND ISSUANCE

§2051. Eligibility and application

(REPEALED)

SECTION HISTORY

PL 1977, c. 151 (AMD). PL 1977, c. 696, §172 (AMD). PL 1979, c. 540, §24-C (RP).

§2052. Notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2053. No license if parties give bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2054. Certification of judge to Superior Court

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2055. Examination under oath

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2056. Licenses limited; renewable

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2057. Lands in other counties

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2058. Designation of lands to be sold

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2059. Estate of deceased liable to sale; effect of deed

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2060. Costs when license contested

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2061. Proof by parol when certificate not returned

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2062. Neglect or misconduct of person licensed

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

BOND

§2101. Conditions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2102. Compliance and account

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 3

NONRESIDENT OWNERS

§2151. Sale of estate of deceased nonresidents or out-of-state minors

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2152. Proof of appointment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 4

PUBLIC OR PRIVATE SALE

§2201. Auction required; appeals; jurisdiction

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2202. Private sales and sales on offer

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2203. Notice of sale

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2204. -Proof of

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2205. Adjournment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2206. Surplus distributed as real estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 5

ACTIONS TO CONTEST VALIDITY OF SALE

§2251. Limitation of action to recover lands sold by license

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§2252. Requisites for valid sale against persons claiming under deceased or ward
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

**§2253. Validity of sale as against those claiming adversely to title sold
(REPEALED)**

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 223

ACCOUNTING

§2301. Required

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2302. Notice and examination

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2303. All property included

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2304. Real estate income

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 225

DISPOSAL OF SURPLUS MONEY OR GOODS

§2351. Distribution of remainder; unclaimed funds

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP). PL 1979, c. 541, §§B23, B24 (AMD).

§2352. Distribution of specific articles

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2353. Payment of deposit by county treasurer; depositors' list published annually; escheat

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP). PL 1979, c. 541, §B25 (RP).

CHAPTER 227

SETTLEMENT OR COMPROMISE OF CLAIMS

§2401. Verification of claims

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2402. Claims must be written and verified; 30-day delay; claims not filed barred

(REPEALED)

SECTION HISTORY

PL 1975, c. 623, §19 (AMD). PL 1979, c. 540, §24-C (RP).

§2403. Compromise of claims

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2404. Adjustment of private claims of executors or administrators

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2405. Special commissioners for disputed claims

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2406. State welfare claims barred unless administration taken

(REPEALED)

SECTION HISTORY

P&SL 1971, c. 179, §G1 (RP).

CHAPTER 229

ACTIONS BY OR AGAINST EXECUTORS AND ADMINISTRATORS

SUBCHAPTER 1

GENERAL PROVISIONS

§2451. Legatee may sue for legacy

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2452. Process runs against goods of estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2453. Executions for costs

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2454. Return unsatisfied against estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2455. Heirs, devisees or legatees may petition to defend action; bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2456. Actions for legacies not affected; liability for unfaithful administration

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

SURVIVAL OF ACTIONS

§2501. Actions which survive

(REPEALED)

SECTION HISTORY

PL 1969, c. 590, §21 (AMD). PL 1979, c. 540, §24-C (RP).

§2502. Death of only party to action

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2503. Death of one of several; survivors may testify

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2504. Executions after creditor's death

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2505. Recitals required; use of real estate levied on

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 3

ACTIONS FOR DEATH OR INJURY

§2551. Actions for injuries causing immediate death

(REPEALED)

SECTION HISTORY

PL 1979, c. 240, §24-C (RP).

§2552. Title of action; amount recovered; disposal

(REPEALED)

SECTION HISTORY

PL 1965, c. 255 (AMD). PL 1967, c. 369 (AMD). PL 1969, c. 266 (AMD). PL 1977, c. 192 (RPR). PL 1977, c. 564, §85 (AMD). PL 1979, c. 68, §2 (AMD). PL 1979, c. 540, §24-C (RP).

§2553. Conscious suffering preceding death

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 4

TORT ACTIONS GENERALLY

§2601. Damages in actions sounding in tort; replevied goods not assets

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 5

TIME FOR ACTION

§2651. Continuance of actions if brought within 6 months after qualification, without costs

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2652. Actions not accruing in 6 months

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2653. Time for action when no bond; when bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2654. Remedy on claim not filed within 6 months

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2655. Continuance of limitations claimed for or against old administrator

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2656. Relief when claim not presented in time limited

(REPEALED)

SECTION HISTORY

PL 1973, c. 625, §96 (AMD). PL 1979, c. 540, §24-C (RP).

CHAPTER 231

MISSING OR ABSENT PERSONS

SUBCHAPTER 1

PRESUMPTION OF DEATH; ADMINISTRATION

§2701. Estates of persons disappeared for 7 years; exception

(REPEALED)

SECTION HISTORY

PL 1969, c. 437, §1 (RPR). PL 1979, c. 540, §24-C (RP).

§2702. Evidence of presumption of death after one year

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2703. Proof of life or death

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2704. Evidence of fact of execution of instrument

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

RECEIVERSHIPS

§2751. Estates of absentees

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2752. Warrant

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2753. Notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2754. -Publication

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2755. Hearing

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2756. Possession by receiver

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2757. Collection of debts

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2758. Appointment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2759. Perishable goods

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2760. Support of dependents

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2761. Arbitration of claims

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2762. Compensation; cessation of duties

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2763. Termination of receivership

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§2764. Limitations

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

PART 4

INSOLVENT ESTATES

Repealed

CHAPTER 401

GENERAL PROVISIONS

§3001. Delay in settling account

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3002. Waste or trespass on real estate of insolvent

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3003. Applicability of provisions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 403

DISTRIBUTION

§3051. Priority of claims and payment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3052. No representation of insolvency

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 405

COMMISSIONERS

§3101. Appointment; report

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3102. Meetings and notice; time allowed for proof of claims; death of commissioner

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3103. Presentation and proof of claims

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3104. Refusal or perjury by claimant

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3105. Value of claimant's security deducted; appraisal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3106. Interest on claims; report recommitted; claim of administrator

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3107. Forfeit of compensation for neglect of duty

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 407

CONTINGENT CLAIMS

§3151. Proof

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3152. Proceedings after 4 years

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 409

PENDING CLAIMS

§3201. Discontinuance or judgment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3202. Claims not presented or not allowed, barred, except where further assets

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 411

DECREE OF DISTRIBUTION

§3251. Entry by judge

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3252. Account of payments allowed without notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3253. Report of commissioners on exorbitant claims final though estate insolvent

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 413

APPEALS

§3301. Bond; notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3302. Petition for leave to bring action after failure to prosecute appeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3303. Proceedings on appeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3304. Appeal by administrator, heir or creditor, claimant may apply to Superior Court

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3305. List of claims; abstract of demands

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3306. Reference; examination of creditor

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3307. Judgment against administrator added to claims allowed

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

PART 5

FIDUCIARY RELATIONS

CHAPTER 501

GUARDIAN AND WARD

SUBCHAPTER 1

GENERAL PROVISIONS

§3501. Transfer to original jurisdiction when disability of judge removed

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3502. Married woman as guardian

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §26 (AMD). PL 1971, c. 598, §22 (AMD). PL 1979, c. 540, §24-C (RP).

§3503. Discovery of ward's estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3504. Inventory of ward's estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3504-A. Abstract filed with registry of deeds

(REPEALED)

SECTION HISTORY

PL 1973, c. 227, §3 (NEW). PL 1979, c. 540, §24-C (RP).

§3505. General duties of guardian

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3506. Power as to ward's real estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3507. Reference of action by rule of court

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3508. Adjustment by arbitration or compromise

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3509. Dismissal or removal of guardians; marriage of female ward ends guardianship

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §27 (AMD). PL 1971, c. 598, §23 (AMD). PL 1975, c. 701, §6 (AMD). PL 1979, c. 540, §24-C (RP).

§3510. Special guardian for minor or adult

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3511. Embezzlement by guardian or conservator

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3512. Limited guardian

(REPEALED)

SECTION HISTORY

PL 1977, c. 627, §1 (NEW). PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

GUARDIANS OF MINORS

§3551. Appointment; interest of judge

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3552. Nomination and appointment

(REPEALED)

SECTION HISTORY

PL 1975, c. 701, §7 (AMD). PL 1979, c. 540, §24-C (RP).

§3553. Power over minor's person and property

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §28 (AMD). PL 1971, c. 598, §24 (AMD). PL 1979, c. 540, §24-C (RP).

§3554. Application of property of minor children to their support

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 3

GUARDIANS OF ADULTS

§3601. Appointment

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §29 (AMD). PL 1969, c. 437, §2 (AMD). PL 1971, c. 598, §25 (AMD). PL 1975, c. 105, §1 (AMD). PL 1979, c. 540, §24-C (RP).

§3602. Hearing; adjudication

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3603. Contracts made after notice and filing void

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3604. Allowance to ward to defend himself

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3605. Authority and duties

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3606. Adjustment of claims

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3607. Disability of adults under guardianship; dismissal of guardian

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §30 (AMD). PL 1971, c. 598, §26 (AMD). PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 3-A

GUARDIANSHIP OF MENTALLY RETARDED PERSONS

§3621. Public guardian; Bureau of Mental Retardation

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1977, c. 502, §1 (AMD). PL 1977, c. 627, §2 (AMD). PL 1979, c. 540, §24-C (RP).

§3622. Purpose and responsibility

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1977, c. 502, §2 (AMD). PL 1977, c. 627, §§3, 4 (AMD). PL 1979, c. 540, §24-C (RP).

§3623. Definition

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1979, c. 540, §24-C (RP).

§3624. Nomination

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1979, c. 540, §24-C (RP).

§3625. Petition

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1977, c. 627, §5 (AMD). PL 1979, c. 540, §24-C (RP).

§3626. Notice and hearing

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1977, c. 627, §6 (AMD). PL 1979, c. 540, §24-C (RP).

§3627. Findings of probate court

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1977, c. 627, §7 (AMD). PL 1979, c. 540, §24-C (RP).

§3628. General duties of public guardian

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1971, c. 544, §57 (AMD). PL 1977, c. 78, §119 (AMD). PL 1977, c. 627, §8 (AMD). PL 1979, c. 540, §24-C (RP).

§3629. Bond and compensation

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1979, c. 540, §24-C (RP).

§3630. Special guardian

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1977, c. 627, §9 (RPR). PL 1979, c. 540, §24-C (RP).

§3630-A. Limited guardian

(REPEALED)

SECTION HISTORY

PL 1977, c. 627, §10 (NEW). PL 1979, c. 540, §24-C (RP).

§3631. Grounds for removal

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1979, c. 540, §24-C (RP).

§3632. Removal of public guardian

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1979, c. 540, §24-C (RP).

§3633. Discharge of guardian

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1977, c. 627, §11 (AMD). PL 1979, c. 540, §24-C (RP).

§3634. Review

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1979, c. 540, §24-C (RP).

§3635. Determination of need for guardianship of persons in institutions and residence facilities

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1969, c. 590, §22 (AMD). PL 1971, c. 598, §27 (AMD). PL 1979, c. 540, §24-C (RP).

§3636. Exclusiveness

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1979, c. 540, §24-C (RP).

§3637. Consent to autopsy, burial

(REPEALED)

SECTION HISTORY

PL 1969, c. 265 (NEW). PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 3-B**GUARDIANSHIP OF INCAPACITATED ADULTS IN NEED OF PROTECTIVE SERVICES****§3638. Public guardian; Department of Health and Welfare****(REPEALED)**

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1973, c. 640, §1 (AMD). PL 1979, c. 540, §24-C (RP).

§3639. Purposes and responsibility**(REPEALED)**

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1973, c. 640, §2 (AMD). PL 1977, c. 528, §1 (AMD). PL 1977, c. 627, §12 (AMD). PL 1979, c. 540, §24-C (RP).

§3640. Definition**(REPEALED)**

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1977, c. 627, §13 (AMD). PL 1979, c. 540, §24-C (RP).

§3641. Nomination**(REPEALED)**

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

§3642. Petition**(REPEALED)**

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1975, c. 105, §2 (AMD). PL 1977, c. 528, §§2, 3 (AMD). PL 1977, c. 627, §14 (AMD). PL 1979, c. 540, §24-C (RP).

§3643. Appointment of guardian ad litem**(REPEALED)**

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

§3644. Notice and hearing**(REPEALED)**

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1973, c. 640, §3 (AMD). PL 1977, c. 528, §4 (AMD). PL 1977, c. 627, §15 (AMD). PL 1979, c. 127, §130 (AMD). PL 1979, c. 540, §24-C (RP).

§3645. Findings of probate court

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1977, c. 627, §16 (RPR). PL 1979, c. 540, §24-C (RP).

§3646. Duties of public guardian

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1977, c. 78, §120 (AMD). PL 1977, c. 528, §5 (RPR). PL 1977, c. 696, §173 (RPR). PL 1979, c. 540, §24-C (RP).

§3647. Bond and compensation

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

§3648. Special guardian

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1977, c. 627, §17 (RPR). PL 1979, c. 127, §131 (AMD). PL 1979, c. 540, §24-C (RP).

§3648-A. Limited guardian

(REPEALED)

SECTION HISTORY

PL 1977, c. 627, §18 (NEW). PL 1979, c. 540, §24-C (RP).

§3649. Priority to private guardian

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

§3650. Grounds for removal

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

§3650-A. Removal of public guardian

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

§3650-B. Discharge of public guardian

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1977, c. 627, §§19, 20 (AMD). PL 1979, c. 540, §24-C (RP).

§3650-C. Review

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

§3650-D. Exclusiveness

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

§3650-E. Consent to autopsy and burial arrangement

(REPEALED)

SECTION HISTORY

PL 1973, c. 631, §1 (NEW). PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 4

GUARDIANS AD LITEM

§3651. Guardian ad litem; next friend

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3652. Settlements to be approved by court

(REPEALED)

SECTION HISTORY

PL 1969, c. 590, §22-A (AMD). PL 1971, c. 544, §58 (AMD). PL 1979, c. 540, §24-C (RP).

§3653. Special guardians for married women

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 5

CONSERVATORS

§3701. Appointment

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3702. Dismissal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 6

NONRESIDENTS

§3751. Extent of guardianship

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3752. Appointment of agent in State

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3753. Right to property in State

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 7

BONDS

§3801. Bond of guardian

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 8

SALE OR MORTGAGE OF PROPERTY

§3851. Management of ward's estate; license to mortgage real estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3852. Notice of sale of ward's estate

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3853. Wife of incapacitated ward may join in deed with guardian

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3854. Guardian may invest proceeds of wife's interest; trust enforced

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3855. Deeds executed under license valid

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3856. Sale of ward's stocks, chattels and pews; investment of funds

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 9

ACCOUNTING

§3901. Required

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3902. Examination of bond; new bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3903. Oath to account

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 503

TRUSTS AND TRUSTEES

SUBCHAPTER 1

GENERAL PROVISIONS

§3951. Vacancies; vesting in new trustee; record of decree

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3952. Vacancy in trusts; bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3953. Court may order conveyance to trustee

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3954. Obligations in trust; amortization

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§3955. Authority of trustees

(REPEALED)

SECTION HISTORY

PL 1971, c. 349 (NEW). PL 1971, c. 365 (NEW). PL 1971, c. 544, §§59, 61 (RP). PL 1979, c. 540, §24-C (RP).

§3956. Prohibitions and requirements applicable to trusts which are private foundations

(REPEALED)

SECTION HISTORY

PL 1971, c. 544, §§60, 61 (NEW). PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

TESTAMENTARY TRUSTS

§4001. Bonds

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4002. Bond not required

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4003. Failure to give bond; examination of bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4004. Agent in State for nonresident trustee

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4005. Resignation or removal after notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4006. Powers and duties

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4007. Bond of appointed trustee

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4008. Inventory and appraisal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4009. Reference or compromise

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4010. Sale of trust estates and investment of moneys

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4011. Power of courts as to trusts

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4012. Action on bonds of trustees

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4013. Executors becoming trustees by operation of law

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4014. Investment forming part of estate retained

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4015. Income earned during period of administration

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4016. Net income on general bequest in trust

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 3

VOLUNTARY TRUSTS

§4051. Confirmation of voluntary trustee by judge; bond; filing of inventory

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4052. Accountability to probate judge

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4053. Remedy where trustee fails to fulfill bond

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4054. Prudence required; capital gains dividends

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4055. Exceptions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4056. Power of court not restricted

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4057. Applicability of provisions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

CHAPTER 505

BANKS AND TRUST COMPANIES

SUBCHAPTER 1

COMMON TRUST FUNDS

§4101. Establishment

(REPEALED)

SECTION HISTORY

PL 1977, c. 129 (RPR). PL 1979, c. 540, §24-C (RP).

§4102. Court accountings

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4103. Effective date

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

NOMINEES

§4151. Investments registered

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4152. Separate records

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4153. Applicability of provisions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4161. Authorization

A bank or trust company organized and doing business under the laws of any state or territory of the United States of America, including the District of Columbia, and a national bank, duly authorized so to act, may be appointed and may serve in this State as trustee, whether of a corporate or personal trust, executor, administrator, guardian, conservator or committee for an incompetent person, or in any other fiduciary capacity, whether the appointment is by will, deed, court order or decree, or otherwise, when and to the extent that the state, territory or district in which such bank or trust company is organized grants authority to serve in like fiduciary capacities to a bank or trust company organized and doing business under the laws of this State and authorized to serve in like fiduciary capacities. [PL 1979, c. 690, §1 (REEN).]

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1979, c. 540, §24-C (RP). PL 1979, c. 690, §1 (REEN).

§4162. Application

Before qualifying or serving in this State in any fiduciary capacity, as defined in section 4161, the bank or trust company shall file an application for authority with the Secretary of State in the same form and subject to the same fees as required by Title 13-C, chapter 15. The application must be accompanied by a certificate, made within 90 days of filing, from the official having supervision of banks and trust companies where the bank was organized or is domiciled, indicating that it is duly authorized or presently existing, that it has authority to act in the fiduciary capacity for which it is qualifying and that the jurisdiction grants authority to serve in like fiduciary capacities to a bank or trust company organized under the laws of this State and authorized to serve in like fiduciary capacities. If the person supervising banks and trust companies cannot certify to reciprocity, it must be done by the attorney general of its state of domicile. In addition, the application must designate the Secretary of State as the person upon whom all notices and processes issued by or to any court of this State must

be served in any action or proceeding relating to any trust, estate or matter within this State in which that bank or trust company is acting in any fiduciary capacity with like effect as personal service on that bank or trust company, the designation is irrevocable as long as any liability remains outstanding against that bank or trust company in this State. Upon receipt of the notice or process, the Secretary of State shall forthwith forward the same by registered mail to that bank or trust company at the address stated in the application. [RR 2001, c. 2, Pt. B, §36 (COR); RR 2001, c. 2, Pt. B, §58 (AFF).]

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1971, c. 439, §14 (AMD). PL 1973, c. 324 (RPR). PL 1979, c. 540, §24-C (RP). PL 1979, c. 690, §1 (REEN). RR 2001, c. 2, Pt. B, §36 (COR). RR 2001, c. 2, Pt. B, §58 (AFF).

§4163. Limitation

Sections 4161, 4162, 4163-A or this section shall not be construed to prohibit, permit or affect in any other way the right of a bank or trust company, organized and doing business under the laws of any other state, territory or district than Maine, including a national bank doing business in any other state, to establish in this State a place of business, branch office or agency for the conduct of business as a fiduciary. [PL 1979, c. 690, §1 (REEN).]

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1979, c. 540, §24-C (RP). PL 1979, c. 690, §1 (REEN).

§4163-A. Corporation; application

Nothing in sections 4161 to 4163 or this section requires any corporation to file an application pursuant to sections 4161 to 4163 or this section if the corporation is deemed not to be doing business in this State under Title 13-C, section 1501 and Title 18-C, section 7-103. [PL 2017, c. 402, Pt. C, §34 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1979, c. 690, §2 (NEW). RR 2001, c. 2, Pt. B, §37 (COR). RR 2001, c. 2, Pt. B, §58 (AFF). PL 2017, c. 402, Pt. C, §34 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§4164. Application

(REPEALED)

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1979, c. 540, §24-C (RP).

§4165. Penalty

(REPEALED)

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1979, c. 540, §24-C (RP).

CHAPTER 507

DURATION OF POWER OF ATTORNEY

§4201. When power of attorney is not affected by disability

(REPEALED)

SECTION HISTORY

PL 1975, c. 34 (NEW). PL 1979, c. 540, §24-C (RP).

§4202. Other powers of attorney are not revoked until notice of death or disability

(REPEALED)

SECTION HISTORY

PL 1975, c. 34 (NEW). PL 1979, c. 540, §24-C (RP).

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