



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 124

S.P. 56

In Senate, January 21, 2021

**An Act To Clarify the Law Concerning the Priority of Appointment
of Personal Representatives under the Maine Uniform Probate Code**

Received by the Secretary of the Senate on January 19, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.

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

2 **Sec. 1. 18-C MRSA §3-203, sub-§1, ¶E**, as enacted by PL 2017, c. 402, Pt. A, §2
3 and affected by PL 2019, c. 417, Pt. B, §14, is repealed.

4 **Sec. 2. 18-C MRSA §3-203, sub-§1, ¶F-1** is enacted to read:

5 F-1. The surviving domestic partner of the decedent:

6 **Sec. 3. 18-C MRSA §3-203, sub-§3**, as enacted by PL 2017, c. 402, Pt. A, §2 and
7 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

8 **3. Nomination and renunciation.** A person entitled to letters under subsection 1,
9 paragraphs B to F F-1 may nominate a qualified person to act as personal representative.
10 Any person may renounce the person's right to nominate or to an appointment by
11 appropriate writing filed with the court. When 2 or more persons share a priority, those of
12 them who do not renounce must concur in nominating another to act for them or in applying
13 for appointment.

14 **SUMMARY**

15 This bill provides that in the absence of a will, heirs of a decedent have priority over
16 the surviving domestic partner of the decedent for the purpose of appointment of a personal
17 representative under the Maine Uniform Probate Code.