

~~WHEREAS, It is the intent of the General Assembly to clarify the statute of limitations for filing a claim for refund under § 3-105 or § 9-108 of the Estates and Trusts Article; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Estates and Trusts

3-105.

(a) (1) The provisions of this subsection are applicable if there is no person entitled to take under §§ 3-102 through 3-104 of this subtitle.

(2) (i) If an individual was a recipient of long-term care benefits under the Maryland Medical Assistance Program at the time of the individual's death, the net estate shall be converted to cash and paid to the Department of Health and Mental Hygiene, and shall be applied for the administration of the program.

(ii) If the provisions of subparagraph (i) of this paragraph are not applicable, the net estate shall be converted to cash and paid to the board of education in the county in which the letters were granted, and shall be applied for the use of the public schools in the county.

(b) (1) After payment has been made to the Department of Health and Mental Hygiene or to the board of education, if a claim for refund is filed by a relative within the fifth degree living at the death of the decedent or by the personal representative of the relative, and the claim is allowed, the claimant shall be entitled to a refund, without interest, of the sum paid.

(2) A CLAIM FOR REFUND UNDER THIS SUBSECTION MAY NOT BE FILED AFTER THE LATER OF:

- (I) 3 YEARS AFTER THE DEATH OF THE DECEDENT; OR
- (II) 1 YEAR AFTER THE TIME OF DISTRIBUTION OF THE PROPERTY.

9-108.

(a) The personal representative shall pay over or transfer the money or property or its proceeds, as directed by order of court, to the board of education in the county where the letters were granted, and it shall be applied for the use of the public schools in such county, whenever it appears to the satisfaction of the court that:

(1) The personal representative has been unable to contact an heir or legatee because of the personal representative's lack of knowledge of the location of the heir or legatee and the court is satisfied that reasonable efforts have been made to locate the heir or legatee;

(2) An heir or legatee is a nonresident of the United States and would not have the benefit of use or control at its full value of money or other property comprising the heir's or legatee's distributive share or legacy; or