

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 291

H. P. 235

House of Representatives, January 22, 1975

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Cote of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT to Extend the Life of the Commission Preparing a Revision of
the Probate Laws.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in 1973, the Legislature passed a law providing for a commission to supervise the drafting of a proposed Probate Code for the State of Maine, to be presented either to a special session of the 106th Legislature or the regular session of the 107th Legislature; and

Whereas, this commission will not have completed its work by the end of the regular session of the 107th Legislature; and

Whereas, it is vital to the work of the commission that its membership continue as originally constituted, that its life be extended until the work be completed and that additional funds be made available; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P&SL 1973, c. 126, § 1, 1st sentence is amended to read:

A special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of a proposed Probate Code for

the State of Maine, such proposed code to be presented to the special session of the ~~106th~~ 107th Legislature or the regular session of the ~~107th~~ 108th Legislature.

Sec. 2. P&SL 1973, c. 126, § 2 is amended by adding a new sentence at the end to read:

All members appointed to the commission shall continue to serve as members until the work of the commission is completed, except that if a vacancy occurs through resignation or death, that vacancy shall be filled in the manner in which the original appointment was made.

Sec. 3. P&SL 1973, c. 126, § 6 is amended to read:

Sec. 6. Appropriation. There is appropriated from the ~~Unappropriated Surplus of the~~ General Fund the sum of \$20,000 for the fiscal year ending June 30, ~~1974~~ 1975 to carry out the purposes of this Act. Any unexpended balance shall not lapse but shall remain a continuing carrying account until June 30, ~~1975~~ 1977.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to extend the life of the Probate Code Commission established by the 106th Legislature, to provide that the membership of the commission shall continue to serve until the work is completed and to make available to the commission additional funds.