

MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1552

S.P. 529

In Senate, May 3, 1983

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

Cosponsor: Representative Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

**AN ACT to Make Corrections of Errors
and Inconsistencies in the Laws of Maine.**

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 1 MRSA §120, as enacted by PL 1983, c.
10 76, is reallocated to 1 MRSA §121.

11 Sec. 2. 5 MRSA §89, sub-§2, ¶E, as enacted by PL
12 1981, c. 506, §1, is amended to read:

13 E. Provide that any license ~~or identification~~
14 ~~card~~ issued to persons under 20 years of age
15 shall be distinguished by a different color or
16 other means to make such distinction easily
17 observable.

18 Sec. 3. 5 MRSA §711, sub-§2, ¶A, as amended by
19 PL 1981, c. 708, §§1 to 3, is further amended to
20 read:

21 A. The following positions in the following
22 departments are major policy-influencing posi-
23 tions. These positions and their successor posi-
24 tions shall be subject to this subsection, not-
25 withstanding any other provision of law:

26 (1) Department of the Attorney General:

27 (a) Deputy Attorneys General; and

28 (b) Assistant Attorneys General;

29 (1-A) Department of Agriculture, Food and
30 Rural Resources:

31 (a) Deputy Commissioners;

32 (b) Associate Commissioner for Policy
33 Development;

- 1 (c) Director, Bureau of Agricultural
2 Productions;
- 3 (d) Director, Bureau of Agricultural
4 Marketing;
- 5 (e) Director, Bureau of Agricultural
6 and Rural Resources; and
- 7 (f) Director, Bureau of Public Ser-
8 vices-; i
- 9 (2) Department of Business Regulation:
- 10 (a) Superintendent, Bureau of Banking;
- 11 (b) Superintendent, Bureau of Consumer
12 Credit Protection; and
- 13 (c) Superintendent, Bureau of Insur-
14 ance-; i
- 15 (3) Department of Conservation:
- 16 (a) Director, Administrative Services;
- 17 (b) Director, Planning and Program
18 Services;
- 19 (c) Director, Bureau of Forestry;
- 20 (d) Director, Maine Geological Survey;
- 21 (e) Executive Director, Maine Land Use
22 Regulation Commission;
- 23 (f) Director, Bureau of Parks and
24 Recreation;
- 25 (g) Director, Bureau of Public Lands;
26 and
- 27 (h) Forest Insect Manager, Bureau of
28 Forestry-; i
- 29 (4) Department of Educational and Cultural
30 Services:

- 1 (a) Assistant to the Commissioner;
- 2 (b) Deputy Commissioner;
- 3 (c) Associate Commissioner, Bureau of
4 School Management;
- 5 (d) Associate Commissioner, Bureau of
6 Instruction; and
- 7 (e) Associate Commissioner, Bureau of
8 Vocational Education; i
- 9 (5) Department of Finance and Administra-
10 tion:
- 11 (a) State Controller;
- 12 (b) State Purchasing Agent;
- 13 (c) State Tax Assessor;
- 14 (d) Director, Bureau of Public
15 Improvements;
- 16 (e) Director, Bureau of Alcoholic Bev-
17 erages; and
- 18 (f) State Budget Officer; i
- 19 (6) Department of Human Services:
- 20 (a) Deputy Commissioners;
- 21 (b) Director, Bureau of Maine's
22 Elderly;
- 23 (c) Director, Bureau of Resource
24 Development;
- 25 (d) Director, Bureau of Health;
- 26 (e) Director, Bureau of Rehabilita-
27 tion;
- 28 (f) Director, Bureau of Income Mainte-
29 nance;

1 (g) Director, State Health Planning
2 and Development Agency; and

3 (h) Director, Bureau of Medical Ser-
4 vices-; i

5 (7) Maine Human Rights Commission:

6 (a) Executive Director; and

7 (b) Chief Compliance Officer-; i

8 ~~(8) Department of Indian Affairs-~~

9 ~~(a) Deputy Commissioner-~~

10 (9) Department of Inland Fisheries and
11 Wildlife:

12 (a) Deputy Commissioner-; i

13 (10) Maine State Lottery Commission:

14 (a) Deputy Director-; i

15 (11) Department of Labor:

16 (a) Director, Manpower Training Divi-
17 sion;

18 (b) Director, Bureau of Labor Stan-
19 dards; and

20 (c) Executive Director, Maine Labor
21 Relations Board-; i

22 (12) Department of Marine Resources:

23 (a) Deputy Commissioner-; i

24 (13) Department of Mental Health and Cor-
25 rections:

26 (a) Associate Commissioner;

27 (b) Director, Bureau of Mental Health;

- 1 (c) Superintendent, Augusta Mental
2 Health Institute;
- 3 (d) Superintendent, Bangor Mental
4 Health Institute;
- 5 (e) Director, Bureau of Mental Retar-
6 dation;
- 7 (f) Superintendent, Pineland Center;
8 and
- 9 (g) Director, Bureau of Corrections; i
- 10 (14) Department of Defense and Veterans
11 Services:
- 12 (a) Deputy Adjutant General;
- 13 (b) Director, Bureau of Civil Emer-
14 gency Preparedness; and
- 15 (c) Director, Bureau of Veterans Ser-
16 vices; i
- 17 (15) Department of Public Safety:
- 18 (a) Chief, Bureau of State Police;
- 19 (b) Director, Bureau of Liquor
20 Enforcement;
- 21 (c) Director, Office of State Fire
22 Marshal; and
- 23 (d) Director, Maine Criminal Justice
24 Academy; i
- 25 (16) Department of Secretary of State:
- 26 (a) Deputy Secretaries of State; and
- 27 (b) State Archivist; i and
- 28 (17) Department of Transportation:
- 29 (a) Deputy Commissioners; and

1 (b) Chief Counsel, Bureau of Legal
2 Services.

3 Sec. 4. 5 MRSA §1092, sub-§15, as enacted by PL
4 1977, c. 580, §3, is amended to read:

5 15. Mandatory retirement age prohibited. Any
6 ~~participating~~ participating local district shall be
7 governed by section 1006, the provisions of which
8 prohibit the use of a mandatory retirement age.

9 Sec. 5. 5 MRSA §1121, sub-§1, ¶A, as amended by
10 PL 1981, c. 146, is repealed and the following
11 enacted in its place:

12 A. Any member, who at the attainment of age 60
13 years is in service, may retire at any time then
14 or thereafter on a service retirement allowance,
15 provided that the member has been in service for
16 a minimum of one year immediately prior to
17 retirement, upon written application to the board
18 of trustees setting forth at what time he desires
19 to be retired. Any member not in service may
20 retire at the age of 60 years or thereafter on a
21 service retirement allowance upon written appli-
22 cation to the board of trustees setting forth at
23 what time he desires to be retired, provided that
24 he has at least 10 years of creditable service or
25 5 full terms as a Legislator, any part of which
26 service must have been rendered when he was, or
27 could have been under then existing law, a con-
28 tributing member to any publicly supported con-
29 tributory retirement system sponsored by the
30 State and provided that, at the effective date of
31 the retirement allowance, his contributions are
32 on deposit in the Members' Contribution Fund.

33 Sec. 6. 5 MRSA §1121, sub-§4, ¶D, as amended by
34 PL 1977, c. 580, §10, is further amended to read:

35 D. Any member who is a liquor inspector, includ-
36 ing the chief inspector and who has completed at
37 least 25 years of creditable service in his
38 respective capacity, may retire at age 55 on a
39 service retirement allowance, which shall be
40 equal to 1/2 of his average final compensation
41 and an additional 2% of his average final compen-

1 sation for each year of membership service not
2 included in the age and service conditions for
3 retirement under this paragraph. Notwithstanding
4 the foregoing, the service of a chief inspector
5 who has attained the age of 65, and who desires
6 to remain in service, may be continued for
7 periods of one year, but not beyond the attain-
8 ment of age 70, if approved by the Governor.
9 Requests for extensions of service for state
10 employees shall be filed with the appointing
11 authority, who shall send it to the Commissioner
12 of Personnel for review and comment, who shall
13 then forward it to the Governor. In no instance
14 shall the power to extend the service of the
15 chief inspector be extended beyond the attained
16 age of 70. Notwithstanding the provisions of
17 this paragraph, any person employed as a liquor
18 inspector on or before September 3, 1965 who has
19 been employed continuously as such and who will
20 not attain the 25 years of creditable service at
21 age 65, shall be permitted to continue in his
22 employment as a liquor inspector in order to
23 obtain the 25 years of creditable service neces-
24 sary, at which time such liquor inspector must be
25 retired.

26 Sec. 7. 5 MRSA §1121, sub-§7, as amended by PL
27 1975, c. 622, §51, is repealed.

28 Sec. 8. 5 MRSA §1124, sub-§1, ¶B, as amended by
29 PL 1981, c. 519, §1, is further amended to read:

30 B. In lieu of accepting the payment provided in
31 paragraph A, the first of certain designated ben-
32 efiiciaries, if living at the death of the member
33 or former member, may elect to substitute the
34 benefits described below in this paragraph. Such
35 The designated beneficiary shall be a spouse,
36 child or children of the member or former member,
37 mother or father, mother and father, or if no
38 designation was made, the first of the following
39 listed persons, if any, alive at the death of the
40 member or former member, spouse, child or chil-
41 dren, parents or parent of the deceased.

42 (1) Benefits shall be as follows:

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(a) A spouse alive and who has not become the dependent of another person at the time of the death of the member or former member, shall be paid \$150 a month, commencing the first month after such that death occurs, and continuing until the date of his death or until he becomes the dependent of another person, whichever happens first, ~~pre-~~viding provided that either the deceased member or former member had 10 years of creditable service at the time of his death or that the surviving spouse is certified by the medical board, after a medical examination, to be mentally or physically incapacitated and that such the incapacity is likely to be permanent. ~~Such~~ The spouse may qualify for this benefit in addition to any payments received as provided by division (b), but shall not receive this benefit simultaneously with that provided by division (b).

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(b) A spouse, alive and who has not become the dependent of another person at the time of the death of the member or former member who has the care of unmarried children of the deceased member or former member under 18 years of age, or unmarried children of the deceased member under 22 years of age and a full-time student, or any other progeny of the deceased who is considered to be mentally incompetent under the general statutes pertaining thereto, or who is certified to be mentally incompetent by the medical board or who is certified by the medical board to be physically and permanently incapacitated, shall be paid \$150 a month, commencing the first month after such that death occurs and continuing during his lifetime for such time as such those children or progeny are in his care and he has not become the dependent of another person.

1 (c) The unmarried child or children
2 under 18 years, or unmarried children
3 of the deceased member or former member
4 under 22 years of age and a full-time
5 student, or any other progeny of the
6 deceased who is adjudged mentally
7 incompetent by a Probate Court in the
8 State of Maine or who is certified by
9 the medical board to be physically and
10 permanently incapacitated at the time
11 of the death of the member or former
12 member, shall receive benefits as fol-
13 lows:

14 One child shall be paid \$150 per month.

15 Two children shall be paid \$225 per
16 month, which shall be divided equally
17 between them.

18 Three children or more shall be paid
19 \$300 per month, which shall be divided
20 equally among them.

21 The benefits shall commence the first
22 month after the death of the member or
23 former member and be payable to each
24 child until he reaches his 18th birth-
25 day, or until he reaches his 22nd
26 birthday if a full-time student, or
27 prior to death, whichever occurs first.
28 In the event of the marriage or death
29 of any such child prior to his 18th
30 birthday, or to his 22nd birthday if a
31 full-time student, subsequent benefits
32 to the other children, if any, shall be
33 payable as if he had never lived. The
34 board of trustees shall adopt such
35 rules as are found necessary for a ben-
36 eficiary to qualify as a full-time
37 student.

38 (d) A spouse living at the time of
39 death of the member or former member
40 and who has not become the dependent of
41 another person subsequent to the death
42 of the member shall be paid \$150 a

1 month, commencing the first month after
2 the attainment of 60 years of age and
3 continuing until the date of his death.
4 ~~Such~~ The spouse may qualify for this
5 benefit in addition to any payments
6 received as provided by division (b)
7 but shall not receive this benefit
8 simultaneously with that provided by
9 division (a) or division (b).

10 (e) A parent, if living at the time of
11 the death of the member or former
12 member, and at least 60 years of age or
13 when that age is attained shall be paid
14 \$150 per month. If both parents are
15 eligible to benefits under this
16 section, and the older parent elects
17 benefits under this subsection, the
18 younger parent shall receive \$105 per
19 month if at least 60 years of age or
20 when that age is attained. Upon the
21 death of either parent, the survivor
22 shall receive \$150 per month.

23 ~~Such~~ These payments to any parent shall
24 commence the first month after the
25 death of the member or former member
26 occurs and continue until death. Bene-
27 fits are only payable under this provi-
28 sion in the event no other benefits
29 have been received in accordance with
30 ~~divisiens~~ division (a), (b), (c) or
31 (d).

32 (f) Any recipient of benefits under
33 this section who, on or after attaining
34 age 60, becomes the dependent of
35 another person, shall be entitled to
36 continuation of benefits under this
37 section until his death.

38 (3) If benefits are paid under this para-
39 graph B, the amount of deceased member's ac-
40 cumulated contributions in the Members' Con-
41 tribution Fund shall be transferred to the
42 Survivors' Benefits Fund, and the amount of
43 former member's accumulated contributions in

1 the Retirement Allowance Fund shall be
2 transferred to the Survivors' Benefits Fund.

3 (4) In the event that any person becomes
4 entitled to the payment of benefits under
5 this section and dies before either the
6 refund check or the initial survivor benefit
7 check shall be endorsed and presented to a
8 holder in due course then it shall be con-
9 sidered as if ~~such~~ that person had prede-
10 ceased the member or former member. Any ben-
11 efiary of this section shall have the
12 right to change his choice of payment at any
13 time up to the point of endorsement and pre-
14 sentation to a holder in due course of
15 either the refund check or the initial sur-
16 vivor benefit payment.

17 Sec. 9. 12 MRSA §1201, 4th ¶, as amended by PL
18 1981, c. 435, §§1 and 2, is further amended to read:

19 Hancock County. Townships N.D.: 3 and Strip
20 North; 4 and Strip North. Townships S.D.: 7, 8, 9,
21 10. Townships M.D.: 16, 22, 28, 32, 34, 35, 39, 40,
22 41. Islands: Beach, Bear, Bradbury's, Butter or
23 Dirigo, Eagle, Hog, Little Spruce, Marshall's,
24 Pickering's, Pond, Resolution, Spruce Head, Western.
25 Municipality-

26 Sec. 10. 14 MRSA §4423, as enacted by PL 1981,
27 c. 431, §2, is amended to read:

28 §4423. Exempt property acquired within 90 days

29 Notwithstanding section ~~4402~~ 4424, if within 90
30 days of the attachment, or, in a proceeding under the
31 United States Code, Title 11, the date of the filing
32 of the petition, the debtor transfers his nonexempt
33 property and as a result acquires, improves, or
34 increases in value property otherwise exempt under
35 section 4422, his interest shall not be exempt to the
36 extent that the acquisition, improvement or increase
37 in value exceeds the reasonable needs of the debtor
38 or his dependents.

39 Sec. 11. 14 MRSA §6024, as enacted by PL 1981,
40 c. 400, is reallocated to 14 MRSA §6027.

1 Sec. 12. 15 MRSA §3309-A, first ¶, as enacted by
2 PL 1981, c. 619, §4, is amended to read:

3 The court shall not order a juvenile to undergo a
4 diagnostic evaluation, as defined in section ~~3303~~
5 3003, subsection 4-A, except as follows:

6 Sec. 13. 17 MRSA §1093, as amended by PL 1975,
7 c. 497, §3, is further amended to read:

8 §1093. Shooting of pigeons and other birds; wild
9 game excepted

10 Whoever keeps or uses any live pigeon, fowl or
11 other bird for a target or to be shot at, either for
12 amusement or as a test of skill in marksmanship, and
13 whoever shoots at any such bird or is present as a
14 party, umpire or judge at such shooting, and whoever
15 rents any building, shed, room, yard, field or prem-
16 ises, or knowingly suffers the use of the same for
17 such purpose, shall be punished by a fine of not more
18 than \$50 or by imprisonment for not more than 30
19 days. Nothing in this section prohibits the shooting
20 of wild game in its wild state or the shooting of
21 birds at field trials under the supervision of the
22 Department of Inland Fisheries and Wildlife in accor-
23 dance with Title 7, ~~section 3554~~ 12, chapter 707,
24 subchapter IX.

25 Sec. 14. 17 MRSA §3204, 2nd ¶, as amended by PL
26 1981, c. 352, §5, is further amended to read:

27 This section shall not apply to: The operation or
28 maintenance of common, contract and private carriers;
29 taxicabs; airplanes; newspapers; radio and television
30 stations; hotels, motels, rooming houses, tourist and
31 trailer camps; restaurants; garages and motor vehicle
32 service stations; retail monument dealers; automatic
33 laundries; machines that vend anything of value,
34 including, but not limited to, a product, money or
35 service; a satellite facility approved by the Super-
36 intendent of the Bureau of Banking under Title 9-B;
37 or comparable facility approved by the appropriate
38 federal authority; pharmacies; greenhouses; seasonal
39 stands engaged in sale of farm produce, dairy prod-
40 ucts, sea food or Christmas trees; public utilities;
41 industries normally kept in continuous operations,

1 including, but not limited to, pulp and paper plants
2 and textile plants; processing plants handling agri-
3 cultural produce or products of the sea; ship
4 chandleries; marinas; establishments primarily
5 selling boats, boating equipment, sporting equipment,
6 souvenirs and novelties; motion picture theatres;
7 public dancing; sports and athletic events; bowling
8 alleys; displaying or exploding fireworks, under
9 Title 8, chapter 9; musical concerts; religious, edu-
10 cational, scientific or philosophical lectures;
11 scenic, historic, recreational and amusement facili-
12 ties; real estate brokers and real estate salesmen;
13 mobile home brokers and mobile home salesmen; pro-
14 vided that this section shall not exempt the busi-
15 nesses or facilities specified in sections 3205, ~~3206~~
16 and 3207 from closing in any municipality until the
17 requirements of those sections have been met; stores
18 wherein no more than 5 persons, including the propri-
19 etor, are employed in the usual and regular conduct
20 of business; stores which have no more than 5,000
21 square feet of interior customer selling space,
22 excluding back room storage, office and processing
23 space.

24 Sec. 15. 18-A MRSA §§2-402 and 2-405, as enacted
25 by PL 1979, c. 540, §1, are amended to read:

26 §2-402. Exempt property

27 In addition to the homestead allowance, the sur-
28 viving spouse of a decedent who was domiciled in this
29 State is entitled from the estate to value not
30 exceeding \$3,500 in excess of any security interests
31 therein in property exempt under Title 14, section
32 ~~4401~~ 4421 on the date of death of the decedent. If
33 there is no surviving spouse, children of the dece-
34 dent are entitled jointly to the same value. If
35 encumbered chattels are selected and if the value in
36 excess of security interests, plus that of other ex-
37 empt property, is less than \$3,500, or if there is
38 not \$3,500 worth of exempt property in the estate,
39 the spouse or children are entitled to other assets
40 of the estate, if any, to the extent necessary to
41 make up the \$3,500 value. Rights to exempt property
42 and assets needed to make up a deficiency of exempt
43 property have priority over all claims against the
44 estate, except that the right to any assets to make

1 up a deficiency of exempt property shall abate as
2 necessary to permit prior payment of homestead allow-
3 ance and family allowance. These rights are in addi-
4 tion to any benefit or share passing to the surviving
5 spouse or children by the will of the decedent unless
6 otherwise provided, by intestate succession, or by
7 way of elective share.

8 §2-405. Estate property exempt

9 Notwithstanding any provisions to the contrary,
10 any part of the decedent's estate which shall be ex-
11 empt under Title 14, section ~~4401~~ 4421, on the date
12 of decedent's death, shall not be liable for payment
13 of debts of the decedent or claims against his
14 estate; provided, ~~however,~~ that nothing in this
15 section ~~shall~~ may be deemed to affect the provisions
16 of sections 2-401 through 2-404.

17 **Sec. 16.** 19 MRSA §752, first ¶, as amended by PL
18 1981, c. 174, §2, is further amended to read:

19 The court making an order of nullity or of
20 divorce may make an order concerning the care, cus-
21 tody and support of the minor children of the parties
22 and may decree which parent shall have exclusive care
23 and custody of any of the minor children, may appor-
24 tion the care and custody of any of the minor chil-
25 dren between the parents, may decree that the parents
26 shall have joint custody of any of the minor chil-
27 dren, or may grant the care and custody of those
28 children to a 3rd person or to some suitable society
29 or institution for the care and protection of chil-
30 dren or to the Department of Human Services. The
31 court shall not consider abandonment of the family
32 residence as a factor in determining custodial rights
33 when the abandoning party has been physically harmed
34 or seriously threatened with physical harm by his
35 spouse, when that harm or threat of harm by his
36 spouse was causally related to the abandonment. An
37 order for child support under this section may
38 include an order for the payment of part or all of
39 the medical expenses, hospital expenses and other
40 health care expenses of the children or an order to
41 provide a policy or contract for coverage of ~~such~~
42 those expenses. Availability of public welfare bene-
43 fits to the family shall not affect the decision of

1 the court as to the responsibility of a parent to
2 provide child support. It may alter its order con-
3 cerning the care, custody and support of the minor
4 children from time to time as circumstances require,
5 whether or not either parent be then living, upon
6 motion of either party, such society or institution
7 as aforesaid, the Department of Human Services, any
8 3rd person to whom care or custody has been granted,
9 any blood relative or any person standing in loco
10 parentis to ~~said~~ those minor children; change the
11 name of the wife, at her request; and in execution of
12 the powers given it under this Title may employ any
13 compulsory process which it deems proper, by execu-
14 tion, attachment or other effectual form, on which
15 costs shall be taxed as in other actions. The court
16 may enforce an order as provided under chapter ~~14~~
17 14-A.

18 Sec. 17. 20 MRSA §225, first ¶, as amended by PL
19 1981, c. 690, §2 and c. 691, §1, is repealed and the
20 following enacted in its place:

21 When it is necessary to hold a district meeting
22 to: Approve the issuance of bonds or notes for
23 school construction projects as defined in section
24 3471; borrow funds for minor capital costs as defined
25 in section 4743; approve a change in the selection of
26 a school building site; approve a change in the
27 method of sharing costs among the member municipali-
28 ties; approve an agreement to add another municipal-
29 ity or municipalities to the School Administrative
30 District; approve an agreement to transfer a parti-
31 cipating municipality to another School Administra-
32 tive District; approve an agreement to merge with
33 another School Administrative District; approve a
34 proposed lease agreement with the Maine School Build-
35 ing Authority; authorize the school directors to con-
36 tract for the schooling of secondary pupils; or ac-
37 cept or reject a prospective gift, the school direc-
38 tors may call such meeting as follows.

39 Sec. 18. 20-A MRSA §1205, sub-§3, as enacted by
40 PL 1981, c. 693, §§5 and 8, is amended to read:

41 3. Transfer of school accounts. Notwithstanding
42 section ~~10004~~ 1203 or any charter of a community
43 school district or coterminous district, the balance

1 remaining in the school accounts of the municipali-
2 ties, community school district or coterminous school
3 districts within the school administrative district
4 shall be paid to the treasurer of the district in
5 equal monthly installments over the remainder of the
6 fiscal year in which the district is formed.

7 Sec. 19. 20-A MRSA §1253, sub-§1, as enacted by
8 PL 1981, c. 693, §§5 and 8, is amended to read:

9 1. Initial meeting on district formation. On
10 the election of the school directors, the clerk of
11 each municipality within the school administrative
12 district shall forward the names of the directors
13 elected for that municipality to the state board with
14 other data with regard to their election as the state
15 board may require. On receipt of the names of all of
16 the directors, the state board shall set a time,
17 place and date for the first meeting of the directors
18 and give notice to the directors in the manner set
19 forth in section ~~1203~~ 1202, subsection 3, paragraph
20 A.

21 Sec. 20. 20-A MRSA Pt. 4, sub-pt. 3, first 4
22 lines, as enacted by PL 1981, c. 693, §§5 and 8, are
23 repealed and the following enacted in their place:

24 SUBPART 3

25 OTHER PROGRAMS

26 CHAPTER 315

27 ADULT EDUCATION

28 Sec. 21. 21 MRSA §102-A, sub-§1, ¶A, as repealed
29 and replaced by PL 1975, c. 761, §9, is amended to
30 read:

31 A. First name, middle name or initial, and ~~sur-~~
32 ~~name last name~~, or first name or initial and mid-
33 dle name, and ~~surname~~ last name;

34 Sec. 22. 21 MRSA §171, sub-§1, as amended by PL
35 1973, c. 414, §5-A, is further amended to read:

1 1. List prepared. He shall prepare a printed or
2 typewritten list, alphabetically by surname last
3 name, of all the voters of the municipality. He
4 shall add the street address of each voter beside his
5 name and mailing address and proper zip code number.
6 In a municipality which has voting districts, he
7 shall make a separate list for each district.

8 Sec. 23. 21 MRSA §201, sub-§1, as amended by PL
9 1977, c. 564, §96-A, is further amended to read:

10 1. Content of general register. The general
11 register must contain the following information con-
12 cerning each person on the voting list on index cards
13 filed alphabetically by surname last name:

14 A. First name, middle name or initial, and sur-
15 name last name or first name or initial, middle
16 name and surname last name;

17 B. Legal address, including street, street
18 number, apartment number, town, county and zip
19 code;

20 C. Mailing address;

21 D. Date of birth;

22 E. Sex;

23 F. Most recent prior residence where registered
24 to vote, to include name under which registered,
25 if changed, legal address and mailing address;

26 G. Whether a citizen by birth or naturalization:
27 If by naturalization, the date, place and court
28 of naturalization;

29 H. Remarks concerning registration or enroll-
30 ment; **and**

31 I. Date of registration; and

32 J. Signature of registrant.

33 Sec. 24. 21 MRSA §701, sub-§2, ¶B, as amended by
34 PL 1973, c. 414, §30, is further amended to read:

1 B. The ballot must contain the name, without any
2 title, and place of residence of each candidate
3 arranged under the proper office designation
4 alphabetically with the surname last name first.
5 The name of each candidate may be printed on the
6 ballot in only one space.

7 Sec. 25. 21 MRSA §701, sub-§2, ¶D, as amended by
8 PL 1973, c. 414, §31, is further amended to read:

9 D. At the end of the list of candidates for nom-
10 ination to each office, there must be left as
11 many blank spaces as there are vacancies to be
12 filled, in which a voter may write or paste the
13 name, with the surname last name first or last,
14 without any title, of any person for whom he
15 desires to vote, in which event he shall write in
16 or paste in the residence of the person whose
17 name is written in, before his vote shall be
18 counted.

19 Sec. 26. 21 MRSA §701, sub-§2, ¶H, as repealed
20 and replaced by PL 1975, c. 761, §29, is amended to
21 read:

22 H. The name of each nominee shall appear on the
23 ballot as follows: Surname Last name first, in
24 block capital letters, followed by the first name
25 and middle name or initial; or surname last name
26 first in block capital letters, followed by the
27 first name or the first initial and the middle
28 name.

29 Sec. 27. 21 MRSA §702, sub-§1, as repealed and
30 replaced by PL 1973, c. 414, §32, is amended to read:

31 1. Arrangement. The ballot must contain the
32 name, without any title, and municipality of resi-
33 dence of each nominee, arranged under the proper
34 office designation alphabetically with the surname
35 last name first.

36 A. The names of Presidential Electors must not
37 appear on the ballot.

38 Sec. 28. 21 MRSA §702, sub-§2, ¶A, as repealed
39 and replaced by PL 1973, c. 414, §33, is amended to
40 read:

1 A. The names of all nominees for office shall as
2 far as possible be placed in one vertical column.
3 When the names to be printed on the ballot are
4 over 25, another column or columns may be added
5 in which the names of the additional nominees
6 shall be printed. When 2 or more columns are
7 used, the same number of names, so far as possible,
8 shall be printed in each column. ~~However,~~
9 ~~the~~ The names of candidates for any one office
10 shall not be split into more than one column
11 regardless of number. The initial letter of the
12 surname last name of the several candidates in
13 each column shall be printed directly beneath
14 each other in a vertical line and the initial
15 letter of the respective party designations of
16 each nominee shall be printed directly beneath
17 each other in a vertical line.

18 Sec. 29. 21 MRSA §702, sub-§2, ¶F, as amended by
19 PL 1973, c. 414, §34, is further amended to read:

20 F. At the end of the list of nominees to each
21 office, there must be left as many blank spaces
22 as there are vacancies to be filled, in which a
23 voter may write the name, with the surname last
24 name first or last, without any title, of any
25 person for whom he desires to vote, in which
26 event he shall write in the residence of the
27 person whose name is written in before his vote
28 shall be counted.

29 Sec. 30. 21 MRSA §702, sub-§2, ¶I, as repealed
30 and replaced by PL 1975, c. 761, §30, is amended to
31 read:

32 I. The name of each nominee shall appear on the
33 ballot as follows: Surname Last name first, in
34 block capital letters, followed by the first name
35 and middle name or initial; or surname last name
36 first, in block capital letters, followed by the
37 first name or first initial and the middle name.
38

39 Sec. 31. 21 MRSA §921, sub-§2, as amended PL
40 1973, c. 414, §39, is further amended to read:

1 2. Write-in vote. If he wishes to vote for a
2 person whose name is not on the ballot, he shall
3 write the name and municipality of residence or paste
4 a sticker containing the name and municipality of
5 residence in the blank space provided at the end of
6 the list of candidates for nomination to the office
7 in question, with the surname last name first or
8 last. He shall then place the mark in the square at
9 the left of it.

10 Sec. 32. 21 MRSA §922, sub-§2, as amended by PL
11 1973, c. 414, §40, is further amended to read:

12 2. Write-in vote. If he wishes to vote for a
13 person whose name is not on the ballot, he shall
14 write the name and municipality of residence in the
15 blank space provided at the end of the list of nomi-
16 nees for the office in question, with the surname
17 last name first or last. He shall then place the mark
18 in the square at the left of it.

19 A. A sticker may not be used to vote for a
20 write-in candidate.

21 Sec. 33. 22 MRSA §2802, as amended by PL 1981,
22 c. 456, Pt. A, §70, is further amended to read:

23 §2802. Copy of record of marriages

24 Every person authorized to unite persons in mar-
25 riage shall make and keep a record of every marriage
26 solemnized by him in conformity with the forms and
27 instructions prescribed by the State Registrar of
28 Vital Statistics. That person shall return each
29 original certificate or certificates to the clerk who
30 issued the same within 7 working days following the
31 date on which a marriage is solemnized by him. If
32 the marriage was solemnized in a town other than the
33 place or places where the parties to the marriage
34 reside, that person shall return a copy of the cer-
35 tificate or of either certificate if 2 were issued,
36 to the clerk of the town where the marriage was
37 solemnized. Each certificate and copy so returned
38 shall contain a statement giving the names of the
39 parties united in marriage, place and date of the
40 marriage, the signature of the person by whom the
41 same was solemnized and the names of the 2 witnesses.

1 The person who solemnized the marriage shall add the
2 title of the office by virtue of which marriage was
3 solemnized and his residence. All certificates or
4 copies so returned shall be recorded by the clerk
5 receiving them.

6 Sec. 34. 29 MRSA §1, sub-§7, as amended by PL
7 1969, c. 414, §2, is further amended to read:

8 7. Motor vehicle. "Motor vehicle" shall mean any
9 self-propelled vehicle not operated exclusively on
10 tracks, including motorcycles, but not including
11 snowmobiles as defined in Title 12, section ~~1971~~
12 7821.

13 Sec. 35. 29 MRSA §2241, sub-§1, ¶I, as repealed
14 and replaced by PL 1981, c. 689, §2 and as amended by
15 PL 1981, c. 698, §133, is repealed and the following
16 enacted in its place:

17 I. Has failed to appear in court on the day
18 specified, either in person or by counsel, after
19 being ordered to do so to answer any violation of
20 chapter 25 or Title 35, chapter 91 or 97;

21 Sec. 36. 29 MRSA §2301, as amended by PL 1981,
22 c. 468, §20, is further amended to read:

23 §2301. Arrested persons given immediate trial;
24 exceptions; bail

25 Whoever is arrested for violation of any provi-
26 sions of this Title, except those of sections 1312-A,
27 1312-B, 2181 and 2185, shall be given an immediate
28 trial if he shall so demand of the officer making the
29 arrest, but if for any reason it is impracticable to
30 do so, the officer making the arrest shall immedi-
31 ately take the prisoner before some bail commis-
32 sioner, who before admitting him to bail, shall re-
33 quire him to give his name, his place of residence,
34 the number of his license to operate a motor vehicle
35 and the registration number of the motor vehicle
36 operated at the time of his arrest, and shall make a
37 record thereof on the bail bond, and may take his
38 personal recognizance for his appearance in court on
39 a specified day, not less than 2 days thereafter if
40 requested by the person arrested; or ~~such~~ the officer

1 in like cases may accept the personal recognizance of
2 such that person for his appearance. If an indi-
3 vidual fails to appear in court on the day specified,
4 the court may immediately suspend his license or sus-
5 pend his right to operate motor vehicles in this
6 State. If a person who is not an individual fails to
7 appear, the court may suspend the registration of the
8 motor vehicle involved in the offense or that
9 person's right to operate that vehicle in the State.
10 On receipt of a copy of a court order suspending a
11 person's license, registration or right to operate in
12 this State, the Secretary of State shall immediately
13 notify that person of the suspension by regular mail
14 or personal service. A court ordered suspension
15 shall have the same force and effect as a suspension
16 by the Secretary of State. A suspension shall remain
17 in effect until the person appears, either in person
18 or by counsel. On appearance and on the condition of
19 payment of a ~~\$10~~ \$20 reinstatement fee to the Secre-
20 tary of State, the court shall rescind the suspension
21 and order the Secretary of State to delete any record
22 of the suspension from that person's driving record.

23 **Sec. 37.** 29 MRSA §2301-A, last ¶, as amended by
24 PL 1979, c. 620, §6, is further amended to read:

25 On receipt of a copy of a court order suspending
26 a person's license or right to operate in this State,
27 the Secretary of State shall immediately notify that
28 person of the suspension by regular mail or personal
29 service. A court ordered suspension shall have the
30 same force and effect as a suspension by the Secre-
31 tary of State. A suspension shall remain in effect
32 until the person appears, either in person or by
33 counsel, or pays the fine. On appearances or payment
34 of the fine, whichever was the basis for the suspen-
35 sion, and on the condition of payment of a ~~\$10~~ \$20
36 reinstatement fee to the Secretary of State, the
37 court shall rescind the suspension and order the
38 Secretary of State to delete any record of the sus-
39 pension from that person's driving record.

40 **Sec. 38.** 29 MRSA §2713, sub-§1, as enacted by PL
41 1981, c. 469, §2, is amended to read:

42 1. Deposit of funds. All revenues derived from
43 fees and fines, authorized by this chapter, and, for

1 carriers of passengers, by Title 35, chapters 91 and
2 97, shall be deposited with the Treasurer of State in
3 a separate account to be known as the Transportation
4 Safety Fund.

5 Sec. 39. 30 MRSA §2225, sub-§4, as enacted by PL
6 1973, c. 64, is amended to read:

7 4. Postaudit report. It shall contain the state-
8 ment that the complete postaudit report for the
9 ~~latest~~ last municipal year is on file at the municipi-
10 pal office and the following excerpts from the
11 report:

- 12 A. Name and address of the auditor;
- 13 B. Auditor's comments and suggestions for
14 improving the financial administration;
- 15 C. Comparative balance sheet; and
- 16 D. Statement of departmental operations.

17 Sec. 40. 33 MRSA §1603-116, sub-§(b), as enacted
18 by PL 1981, c. 699, is amended to read:

19 (b) A lien under this section is prior to all
20 other liens and encumbrances on a unit except: (1)
21 Liens and encumbrances recorded before the recorda-
22 tion of the declaration; (2) A first mortgage
23 recorded before or after the date on which the
24 assessment sought to be enforced becomes delinquent;
25 and (3) Liens for real estate taxes and other gov-
26 ernmental assessments or charges against the unit.
27 This subsection does not affect the priority of
28 mechanics' or materialmen's liens, or the priority of
29 liens for other assessments made by the association.
30 The lien under this section is not subject to the
31 provisions of Title 14, section 456~~1~~ 4651 and Title
32 18-A, ~~section 2-201 et seq.~~ Part 2, as they or their
33 equivalents may be amended or modified from time to
34 time.

35 Sec. 41. 36 MRSA §112, sub-§8, ¶C, as enacted by
36 PL 1981, c. 364, §7, is amended to read:

1 C. Administration of the spruce budworm excise
2 tax in accordance with Title 12, section 8406
3 8427.

4 Sec. 42. 36 MRSA §505, sub-§4, as amended by PL
5 1979, c. 541, Pt. A, §218, is further amended to
6 read:

7 4. When interest collected. The date or dates
8 from and after which interest shall accrue, which
9 shall also be the date or dates on which taxes shall
10 become delinquent. The rate of interest shall be
11 specified in the vote and shall apply to delinquent
12 taxes committed during the taxable year until those
13 taxes are paid in full. The rate of interest shall
14 not exceed the highest conventional rate of interest
15 charged for commercial unsecured loans by Maine bank-
16 ing institutions on the first business day of the
17 calendar year the vote is taken. The highest conven-
18 tional rate of interest charged for commercial unse-
19 cured loans by Maine banking institutions on the
20 first business day of each calendar year shall be
21 determined in his best judgment by the Treasurer of
22 State, who shall send a written notice of such rate
23 of interest on or before January 20th of each year to
24 the chief municipal officer of each municipality.
25 ~~Such~~ The interest shall be added to and become part
26 of the taxes.

27 Sec. 43. 36 MRSA §1962, first ¶, as repealed and
28 replaced by PL 1977, c. 165, §5, is amended to read:

29 The warrant shall have the force and effect of an
30 execution issued upon a judgment in a civil action
31 for taxes and may be directed to the sheriffs of the
32 respective counties, their deputies or to any agent
33 of the State Tax Assessor authorized ~~pursuant to~~
34 ~~section 1902~~ to collect any tax imposed under the
35 sales and use tax law.

36 Sec. 44. 36 MRSA §3038, as amended by PL 1981,
37 c. 689, §6, is further amended to read:

38 §3038. Failure to file statement; false statement

39 Any person who shall refuse or neglect to make
40 any statement, report, payment or return required by

1 this chapter, or who shall knowingly make, or shall
2 aid or assist any other person in making a false
3 statement in a return or report to the State Tax
4 Assessor, or in connection with an application for
5 refund of any tax, or who shall knowingly collect or
6 attempt to collect, or cause to be paid to him or to
7 any other person, either directly or indirectly, any
8 refund of that tax without being entitled to the
9 same, ~~shall~~ is guilty of a Class E crime. Any
10 finer collected pursuant to this section are to be
11 credited to the Highway Fund.

12 Sec. 45. 36 MRSA §3039, as amended by PL 1981,
13 c. 689, §7, is further amended to read:

14 §3039. Additional violations

15 Any user, or any agent or employee of any user,
16 who shall consume any fuel in a motor vehicle on a
17 public highway or on a turnpike operated and main-
18 tained by the Maine Turnpike Authority, when that
19 user is not the holder of an uncanceled license as
20 required by this chapter, or when that user has
21 failed to file any report or pay tax, penalty or
22 interest as required by this chapter and chapter 7,
23 commits a Class E crime. Each day or part thereof
24 during which any person shall consume any fuel in a
25 motor vehicle on a public highway or on a turnpike
26 owned and maintained by the Maine Turnpike Authority,
27 when that user is not the holder of an uncanceled li-
28 cense as required by this chapter, or when that user
29 has failed to file any report or pay tax, interest or
30 penalty as required by this chapter and chapter 7,
31 shall constitute a separate violation within the
32 meaning of this section. Any fines collected pur-
33 suant to this section are to be credited to the High-
34 way Fund.

35 Sec. 46. 36 MRSA §3461, sub-§§2 and 3 are
36 amended to read:

37 2. Life insurance. All proceeds of life insur-
38 ance policies upon the life of a decedent payable to
39 his estate or to his ~~executors or administrators per-~~
40 sonal representative except, if testate, such part
41 thereof as is bequeathed to a widow or widower, or
42 issue, or, if intestate, such part thereof as
43 descends under Title 18, section 853.

1 3. Proceeds of pension and profit sharing plans.
2 All proceeds of a trust forming a part of a stock
3 bonus, pension or profit sharing plan, or of a
4 nontrustered annuity plan purchased from an insurance
5 company, which constitutes a "qualified plan" or
6 "qualified trust" under the Internal Revenue Code, or
7 which plan was in existence on or before January 1,
8 1963, which become payable by reason of the death of
9 the decedent, except for such part thereof as is pay-
10 able to the widow or widower or issue of the dece-
11 dent, and except for such part thereof as is payable
12 to his estate or to his ~~executor or administrator~~
13 personal representative to the extent such that part,
14 if testate, is bequeathed to the widow, widower or
15 issue, or, if intestate, descends to the widow, wid-
16 ower or issue. As used in this subsection, the term
17 "proceeds" shall not be deemed or construed to
18 include or apply to the proceeds of any life insur-
19 ance policy payable upon the death of the person
20 insured thereunder.

21 Sec. 47. 36 MRSA §3467, sub-§5 is amended to
22 read:

23 5. Compensation of personal representative.
24 Reasonable compensation of ~~executors and administra-~~
25 ~~tors~~ personal representatives and their statutory
26 agents qualifying as such in the Maine Probate Court
27 and reasonable fees for Maine attorneys;

28 Sec. 48. 36 MRSA §3469, as amended by PL 1979,
29 c. 540, §46, is further amended to read:

30 §3469. Bequests to personal representatives or
31 trustees

32 Whenever a testator gives, bequeaths or devises
33 to his ~~executors~~ personal representatives or trustees
34 any property otherwise liable to the tax imposed by
35 chapters 551 to 567, in lieu of their compensation,
36 the value thereof in excess of reasonable compensa-
37 tion shall be subject to the tax imposed by chapters
38 551 to 567.

39 Sec. 49. 36 MRSA §3522, first ¶ is amended to
40 read:

1 The State Tax Assessor shall collect all taxes,
2 interest and penalties provided by chapters 551 to
3 567 and is given authority to institute proceedings
4 of any nature necessary or desirable for that pur-
5 pose, including such proceedings as may be necessary
6 or desirable for the removal of ~~executors, adminis-~~
7 ~~trators~~ personal representatives and trustees who
8 have failed to pay the taxes due from estates in
9 their hands.

10 Sec. 50. 36 MRSA §3523, as repealed and replaced
11 by PL 1977, c. 694, §709-A, is amended to read:

12 §3523. Value of property determined; appeal

13 The value of the property upon which the tax is
14 computed shall be determined by the State Tax Asses-
15 sor and certified by him to the persons by whom the
16 tax is payable. Any party interested in the succes-
17 sion or the ~~executor, administrator~~ personal repre-
18 sentative or trustee may appeal from the decision of
19 the State Tax Assessor in accordance with section
20 151.

21 Sec. 51. 36 MRSA §3524 is amended to read:

22 §3524. Amount of tax determined

23 The State Tax Assessor shall determine the amount
24 of tax due and payable upon any estate or part
25 thereof and shall certify the amount so due and pay-
26 able to the persons by whom the tax is payable. Such
27 The determination and certification may be made upon
28 account of the tax payable upon the estate generally
29 or upon account or in full for any part thereof or
30 any interest therein. Payment of the amount so cer-
31 tified upon account shall be a discharge of the tax
32 to the extent of ~~said~~ the certification and upon
33 subsequent determination and certification of the
34 full amount of the tax payable upon the estate gener-
35 ally or upon any interest therein or part thereof,
36 payment of the full amount of ~~said~~ the tax shall,
37 except as otherwise provided, be a discharge of the
38 tax. In determining the amount of any tax payable
39 under chapters 551 to 567, the State Tax Assessor
40 shall not be required to consider any payments on ac-
41 count of debts, funeral expenses or expenses of

1 administration which have not been allowed by the
2 Probate Court having jurisdiction of ~~said~~ the estate.
3 The amount paid on account of federal estate taxes
4 shall be allowed as a deduction in resident estates.
5 If after determination and certification of the full
6 amount of the tax upon an estate or any interest
7 therein or part thereof the estate shall receive or
8 become entitled to property in addition to that shown
9 in the inventory or disclosed to the State Tax Asses-
10 sor, the ~~executor, administrator~~ personal representa-
11 tive, trustee or other fiduciary shall forthwith
12 notify the State Tax Assessor who shall upon being
13 thus or otherwise informed determine the amount of
14 additional tax, if any, due and payable thereon and
15 shall certify the ~~said~~ amount to the person by whom
16 ~~such~~ that tax is payable, which amount shall be due
17 and payable 30 days from the date of the certifica-
18 tion. A fiduciary shall be personally liable to pay
19 only so much of ~~said~~ the additional tax as is com-
20 puted on the additional property actually received by
21 him and a beneficiary receiving any part of ~~such~~ that
22 additional property shall be liable to pay so much of
23 the tax thereon as is not chargeable as ~~afesaid~~ to
24 a fiduciary.

25 Sec. 52. 36 MRSA §3527 is amended to read:

26 §3527. Appointment of personal representative on
27 probate delay

28 If, upon the decease of a person leaving an
29 estate which may be liable to pay an inheritance tax,
30 a will is not offered for probate or an application
31 for administration is not made within 6 months after
32 the date of death, or if the ~~executor or administra-~~
33 ~~tor~~ personal representative does not qualify within
34 ~~said~~ that period, the Probate Court, upon application
35 by the State Tax Assessor, may appoint an ~~administra-~~
36 ~~tor~~ a personal representative. Nothing ~~shall~~ may
37 prevent the State Tax Assessor from petitioning for
38 appointment within 6 months after the date of death,
39 if in the opinion of the State Tax Assessor ~~such~~ that
40 action is necessary.

41 Sec. 53. 36 MRSA §3584, first ¶ is amended to
42 read:

1 Except as otherwise provided, no account of an
2 ~~executor, administrator~~ a personal representative or
3 trustee showing any payment except debts, funeral
4 expenses, expenses of administration and legacies or
5 distributive shares wholly exempt from inheritance
6 taxes ~~shall~~ may be allowed by the Probate Court,
7 unless with the consent of the State Tax Assessor or
8 unless ~~such that~~ that account shows, and the judge of ~~said~~
9 that court finds, that all inheritance taxes already
10 payable have been paid and that all taxes which may
11 become due have been secured as provided. The certifi-
12 cate of the State Tax Assessor and his receipt for
13 the amount of the tax therein certified shall be con-
14 clusive as to the payment of the tax, to the extent
15 of ~~said that~~ that certification.

16 Sec. 54. 36 MRSA §3635 is amended to read:

17 §3635. Settlement where computation impossible or
18 persons unknown

19 In case it is impossible either to determine the
20 persons entitled to an interest or to compute the
21 present value of any interest, the State Tax Assessor
22 may and to promote the early settlement of taxes
23 shall endeavor to, with the approval of the Attorney
24 General, effect such settlement of the tax as he
25 shall deem reasonable in the best interests of the
26 State, and payment of the sum so agreed upon shall be
27 full satisfaction of ~~such that~~ that tax. ~~Executors, admin-~~
28 ~~istrators~~ Personal representatives and trustees are
29 authorized and empowered to compromise the amount of
30 tax with the State Tax Assessor.

31 Sec. 55. 36 MRSA §3636 is amended to read:

32 §3636. Lack of settlement

33 In case it is impossible to compute the present
34 value of any interest, and the tax thereon is not
35 compromised as provided in section 3635, ~~said the~~ the tax
36 shall be assessed on the value of the property or
37 interest therein coming to the beneficiary at the
38 time when he becomes entitled to the same in posses-
39 sion or enjoyment and ~~said the~~ the tax shall be due and
40 payable by the ~~executor, administrator~~ personal
41 representative or trustee in office when the right of

1 possession to ~~such~~ that interest accrues or, if there
2 is no ~~such executor, administrator~~ personal repre-
3 sentative or trustee, by the person so entitled
4 thereto at the expiration of 6 months ~~from~~ from the
5 date when the right of possession accrued to the
6 person so entitled.

7 In every ~~such~~ case the ~~executor, administrator~~
8 personal representative, trustee or grantee or any
9 person interested in the devise, bequest or grant
10 shall give to the judge of the Probate Court having
11 jurisdiction of the estate of the decedent a bond
12 payable to him or his successor, sufficient to secure
13 the payment of all taxes which may become due and
14 interest thereon conditioned in substance that he
15 will notify the State Tax Assessor when ~~said~~ those
16 taxes become due and payable and will pay the same
17 with interest to the State. Upon notification by the
18 State Tax Assessor that a deposit has been made with
19 the Treasurer of State in accordance with section
20 3682 the judge of probate may, if the deposit is suf-
21 ficient, cancel or omit to require the bond which
22 this section otherwise requires, or may reduce the
23 amount thereof by the amount of ~~such~~ that deposit.

24 Sec. 56. 36 MRSA §3684 is amended to read:

25 §3684. Persons liable

26 Administrators, executors Personal representa-
27 tives, trustees or grantees or donees under convey-
28 ances or gifts made during the life of the grantor or
29 donor, and persons to whom beneficial interests shall
30 accrue by survivorship shall be liable for the taxes
31 imposed by chapters 551 to 567 with interest, as pro-
32 vided, until the same have been paid.

33 Sec. 57. 36 MRSA §3685 is amended to read:

34 §3685. Legacies chargeable to realty

35 If a legacy subject to ~~said~~ tax is charged upon
36 or payable out of real estate, the heir or devisee,
37 before paying ~~said~~ the legacy, shall deduct ~~said~~ the
38 tax therefrom and pay it to the ~~executor, administra-~~
39 tor personal representative or trustee, and the tax
40 on ~~said~~ the legacy shall remain a lien upon ~~said~~ the

1 real estate until it is paid. Payment thereof from
2 the heir or devisee may be enforced by the ~~executor,~~
3 ~~administrator~~ personal representative or trustee in
4 the same manner as the payment of the legacy itself
5 could be enforced.

6 Sec. 58. 36 MRSA §3742, as amended by PL 1981,
7 c. 364, §43, is further amended to read:

8 §3742. Due date

9 Said The estate tax shall become payable at the
10 expiration of 12 months from the date of death of the
11 decedent, and ~~executors, administrators~~ personal
12 representatives, trustees, grantees, donees, benefi-
13 ciaries and surviving joint owners shall be and
14 remain liable for the tax until it is paid. The
15 State Tax Assessor may, for cause, extend the time of
16 payment.

17 Sec. 59. 36 MRSA §3802 is amended to read:

18 §3802. Refunds

19 Whenever a devisee, legatee or heir refunds any
20 portion of the property on which a tax has been paid
21 by him or it is judicially determined that the whole
22 or any part of such that tax ought not to have been
23 paid, said that tax, or the due proportional part
24 thereof, shall be refunded to him by the ~~executor,~~
25 ~~administrator~~ personal representative or trustee.

26 Sec. 60. 36 MRSA §3852, as amended by PL 1979,
27 c. 127, §197, is further amended to read:

28 §3852. Registers of probate report to State Tax
29 Assessor

30 The registers of probate in the several counties
31 shall send to the State Tax Assessor, on forms to be
32 prescribed and furnished by him, a record of every
33 appointment of ~~an executor, administrator~~ a personal
34 representative or trustee made in his court, immedi-
35 ately following any such appointment. For failure to
36 make any such report any register of probate shall be
37 liable for a forfeiture of not more than \$50.

1 Sec. 61. 36 MRS §3914 is amended to read:

2 §3914. Arbitration agreement

3 When the State Tax Assessor claims that a decedent was domiciled in this State at the time of his death and the taxing authorities of another state or states make a like claim on behalf of their state or states, the State Tax Assessor may with the approval of the Attorney General make a written agreement with the other taxing authorities and with the ~~executor or administrator~~ personal representative to submit the controversy to the decision of a board consisting of one or any uneven number of arbitrators. The ~~executor or administrator~~ is authorized to personal representative may make the agreement. The parties to the agreement shall select the arbitrator or arbitrators.

16 Sec. 62. 36 MRS §3919 is amended to read:

17 §3919. Filing of determination of domicile and other
18 documents

19 The State Tax Assessor, the board or the ~~executor or administrator~~ personal representative shall file the determination of the board as to domicile, the record of the board's proceedings and the agreement, or a duplicate, made pursuant to section 3914, with the authority having jurisdiction to assess the death taxes in the state determined to be the domicile and shall file copies of all ~~such~~ those documents with the authorities that would have been empowered to assess the death taxes in each of the other states involved.

30 Sec. 63. 36 MRS §3922 is amended to read:

31 §3922. Compensation and expenses

32 The compensation and expenses of the members of the board and its employees may be agreed upon among ~~such~~ the members and the ~~executor or administrator~~ personal representative and if they cannot agree shall be fixed by the Probate Court of the state determined by the board to be the domicile of the decedent. The amounts so agreed upon or fixed shall

1 be deemed an administration expense and shall be pay-
2 able by the ~~executor or administrator~~ personal repre-
3 sentative.

4 Sec. 64. 36 MRS §3984 is amended to read:

5 §3984. Filing of compromise agreement; interest or
6 penalty for nonpayment

7 When the State Tax Assessor claims that a dece-
8 dent was domiciled in this State at the time of his
9 death and the taxing authorities of another state or
10 states make a like claim on behalf of their state or
11 states, the State Tax Assessor may, with the approval
12 of the Attorney General, make a written agreement of
13 compromise with the other taxing authorities and the
14 ~~executor or administrator~~ personal representative
15 that a certain sum shall be accepted in full satis-
16 faction of any and all death taxes imposed by this
17 State, including any interest or penalties to the
18 date of filing the agreement. The agreement shall
19 fix the amount to be accepted by the other states in
20 full satisfaction of death taxes. The ~~executor or~~
21 ~~administrator~~ is authorized to personal representa-
22 tive may make such that agreement. Either the State
23 Tax Assessor or the ~~executor or administrator~~ per-
24 sonal representative shall file the agreement or a
25 duplicate with the authority that would be empowered
26 to assess death taxes for this State if there had
27 been no agreement, and thereupon the tax shall be
28 deemed conclusively fixed as therein provided. Unless
29 the tax is paid within 30 days after filing the
30 agreement, interest shall thereafter accrue upon the
31 amount fixed in the agreement, but the time between
32 the decedent's death and the filing shall not be
33 included in computing the interest.

34 Sec. 65. 36 MRS §4042 is amended to read:

35 §4042. Proof of payment filed in Probate Court

36 At any time before the expiration of 15 months
37 after the qualification in any Probate Court in this
38 State of ~~an executor a personal representative~~ of the
39 will of or ~~administrator personal representative~~ of
40 the estate of a nonresident decedent, the ~~executor or~~
41 ~~administrator~~ personal representative shall file with

1 the court proof that all death taxes, together with
2 interest or penalties thereon, due to the state of
3 domicile of such the decedent or to any political
4 subdivision thereof, have been paid or secured or
5 that no such taxes, interest or penalties are due, as
6 the case may be.

7 Sec. 66. 36 MRSA §4043 is amended to read:

8 §4043. Form of proof; failure to file

9 The proof required by section 4042 may be in the
10 form of a certificate issued by the official charged
11 with the administration of the death tax laws of the
12 state of domicile. If such proof is not filed as
13 therein provided, the register of probate shall
14 forthwith notify by mail the official of the state of
15 domicile so far as is known to him:

16 1. Name, date of death and domicile. The name,
17 date of death and last domicile of the decedent;

18 2. Name and address of representative. The name
19 and address of each ~~executor or administrator~~ per-
20 sonal representative;

21 3. Value of estate. An estimate of the value of
22 all the property of the estate; and

23 4. Fact proof not filed. The fact that the
24 ~~executor or administrator~~ personal representative has
25 not filed the proof required in section 4042.

26 The register shall attach to such that notice a
27 plain copy of the will and codicils of such the de-
28 cent, if he died testate, or if he died intestate, a
29 list of his heirs and next of kin so far as is known
30 to such the register. Within 60 days after the mail-
31 ing of such the notice, the official of the state of
32 domicile may file with the Probate Court in this
33 State a petition for an accounting in such the
34 estate. ~~Said~~ The official shall, for the purposes of
35 this chapter, be a party interested for the purpose
36 of petitioning for such the accounting. If a petition
37 is filed within said the period of 60 days, the Pro-
38 bate Court shall decree an accounting, and upon such
39 that accounting being filed and approved shall decree

1 the remission to the fiduciary appointed by the Pro-
2 bate Court of the state of domicile of the balance of
3 the intangible personalty after the payment of credi-
4 tors and expenses of administration in this State.

5 Sec. 67. 36 MRSA §4044 is amended to read:

6 §4044. Violations

7 Unless either section 4042 or 4043 shall have
8 been complied with, no ~~executor or administrator~~
9 shall personal representative may be entitled to a
10 final accounting or discharge in any Probate Court in
11 this State.

12 Sec. 68. 36 MRSA §5206-A, as enacted by PL 1981,
13 c. 704, §8, is amended to read:

14 §5206-A. Depreciation option

15 For its taxable year ending in 1982, a corpora-
16 tion or association subject to tax under section 5206
17 may elect, in lieu of the accelerated cost recovery
18 deduction provided by the United States Internal Rev-
19 enue Code, Section 168, and the 18% add-back and 6%
20 recovery of add-back provided by section 5206, sub-
21 section 1 ~~or 2~~, to depreciate property placed in ser-
22 vice during that taxable year in accordance with the
23 United States Internal Revenue Code, Section 167, in
24 effect on December 31, 1980, provided that this elec-
25 tion is made with regard to all such property and
26 that the State Tax Assessor may refuse to allow any
27 such deduction if he deems the information provided
28 in substantiation of that deduction to be unsatisfac-
29 tory in relation to generally accepted accounting
30 procedures.

31 Sec. 69. 36 MRSA §5202-B, as enacted by PL 1981,
32 c. 704, §5, is amended to read:

33 §5202-B. Depreciation option

34 For its taxable year ending in 1982, a corpora-
35 tion may elect, in lieu of the accelerated cost
36 recovery deduction provided by the United States
37 Internal Revenue Code, Section 168, and the state
38 modifications provided by section 5200-A, subsection

1 1, paragraph D ~~or~~ E, and subsection 2, paragraph D,
2 to depreciate property placed in service during that
3 taxable year in accordance with the United States
4 Revenue Code, Section 167, in effect on December 31,
5 1980, provided that this election is made with regard
6 to all such property and that the State Tax Assessor
7 may refuse to allow any such deduction if he deems
8 the information provided in substantiation of that
9 deduction to be unsatisfactory in relation to gener-
10 ally accepted accounting procedures.

11 Sec. 70. 36 MRSA §5331, as repealed and replaced
12 by PL 1977, c. 696, §295, is amended to read:

13 §5331. Failure to collect or pay over

14 Any person required under this Part to collect,
15 truthfully account for and pay over any tax imposed
16 by this Part, who intentionally fails to collect or
17 truthfully account for any and pay over that tax
18 ~~shall~~ is, in addition to other penalties provided by
19 law, ~~be~~ guilty of a Class C crime.

20 Sec. 71. 38 MRSA §1252, sub-§5, as enacted by PL
21 1981, c. 466, §13, is amended to read:

22 5. Trustees' compensation. The trustees shall
23 receive compensation as recommended by them and
24 approved by majority vote of the municipal officer in
25 municipalities representing a majority of the popu-
26 lation within the district, including compensation
27 for any duties they perform as officers as well as
28 for their duties as trustees. Certification thereof
29 shall be recorded with the Secretary of State and
30 recorded in the bylaws. Their compensation for duties
31 as trustees shall be on the basis of such specified
32 amount as may be specified in the bylaws, for each
33 meeting actually attended and reimbursement for
34 travel and expenses, with the total not to exceed
35 such specific amount as may be specified in the
36 bylaws. Compensation schedules in effect on January
37 1, 1982, shall continue in effect until changed.

38 Emergency clause. In view of the emergency
39 cited in the preamble, this Act shall take effect
40 when approved, except that sections 18 to 20 shall
41 take effect on July 1, 1983.

STATEMENT OF FACT

The purposes of this bill are as follows.

1. This section reallocates a section which was assigned the same section number as a bill enacted earlier in the last session.
2. This section corrects an inconsistency covering the issuance of nondriver identification cards.
3. This section corrects technical errors.
4. This section corrects a spelling error.
5. This section corrects compounding errors in an amending clause.
6. This section deletes the language requiring mandatory retirement for liquor inspectors.
7. This section repeals a statutory subsection that is inconsistent with Title 5, section 1125.
8. This section corrects an error in grammar.
9. This section removes an unnecessary word.
10. This section corrects a reference to a statutory provision which has been repealed.
11. This section reallocates a section which was assigned the same section number.
12. This section amends a typographical error in a cross reference.
13. This section corrects a reference to a statutory provision which has been repealed.
14. This section eliminates reference to a repealed section.
15. This section corrects a reference to a statutory provision which has been repealed.

- 1 16. This section corrects an incorrect cross
2 reference.
- 3 17. This section resolves a conflict between PL
4 1981, c. 690, §2 and PL 1981, c. 691, §1.
- 5 18-19. These sections correct a typographical error
6 in a cross reference.
- 7 20. This section corrects a subpart heading.
- 8 21-32. These sections change "surname" to "last
9 name." "Surname" is no longer in common
10 use.
- 11 33. This section corrects an error in sentence
12 structure.
- 13 34. This section corrects an inaccurate cross
14 reference to the definition "snowmobile."
- 15 35. This section repeals and replaces 2
16 conflictive paragraphs and reenacts the one
17 enacted later in time.
- 18 36-37. These sections correct an oversight by ad-
19 justing the reinstatement fee of a license
20 suspension ordered by a court consistent
21 with the general reinstatement fee provi-
22 sions.
- 23 38. This section adds 2 words to Title 29,
24 section 2713, to make it clear that fines
25 are collected for violations of the Maine
26 Highway Transportation Safety Fund.
- 27 39. This section corrects a spelling error.
- 28 40. This section corrects a statutory reference.
- 29 41. This section corrects a reference to a stat-
30 utory provision which has been repealed.
- 31 42. This section changes statutory language to
32 make it consistent with Title 36, section
33 505, subsection 2.

- 1 43. This section removes a reference to a
2 section that has been repealed.
- 3 44-45. These sections clarify the language to Title
4 36, sections 3038 and 3039 regarding the
5 disposition of fines collected for viola-
6 tions of the Use Fuel Tax Act, to make it
7 clear those fines are to be paid into the
8 Highway Fund.
- 9 46-67. These sections provide consistency between
10 Title 36, Part 6, and the Maine Probate Code
11 by replacing the words "administrator,
12 administrators, executor and executors" with
13 the term "personal representative."
- 14 68-69. These sections remove a cross reference to a
15 subsection that was repealed in 1981.
- 16 70. This section corrects a typographical error.
- 17 71. This section makes a correction in grammar.
- 18 2245042881