

MAINE STATE LEGISLATURE

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L.D. 2462

(Filing No. H-721)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
SECOND REGULAR SESSION

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HOUSE AMENDMENT "B" to S.P. 911, L.D. 2462,
Bill, "AN ACT to Make Corrections of Errors and
Inconsistencies in the Laws of Maine."

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Amend the bill by inserting before the emergency
clause the following:

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'PART C

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Sec. 1. 32 MRSA §1401, as amended by PL 1983, c.
413, §§53 and 54, is further amended to read:

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§1401. Prearranged funerals or burial plans

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All moneys paid during a person's lifetime to any
individual, firm, association, partnership or corpo-
ration, by that person or by someone in his behalf
under an agreement that services be performed or per-
sonal property be delivered in connection with the
disposition of that person's body after his death
shall be deposited by the payee within 30 days after
receipt thereof in a separate account in a bank,
trust company, credit union or savings institution in
this State in the name of the payee as mortuary
trustee for the person for whose benefit the payment
was made and shall be held in that account together
with interest if any thereon. Nothing in this section
may be construed to prevent transfer of these funds
to another such bank, trust company, credit union or
savings institution by merger or consolidation or by
operation of law.

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Such funds may be withdrawn, if otherwise lawful,
by the payee on written instructions of the person
who originally paid the money or his legal represen-
tative or on the death of the person for whose bene-

HOUSE AMENDMENT "6" to S.P. 911, L.D. 2462

1 fit such funds were paid, in which latter event they
2 shall be used in accordance with the agreement.

3 Such bank, trust company, credit union or savings
4 institution shall be discharged from liability for
5 payment of the funds in any such account upon presen-
6 tation of a written consent to withdrawal signed by
7 the party who paid the funds or his legal representa-
8 tive and by the payee, or upon presentation of proof
9 of death of such person for whose benefit such funds
10 were paid. This section shall not apply to the sale
11 of cemetery lots, crypts, niches, cemetery burial
12 privileges, cemetery space or perpetual care.

13 Any person who violates this section is guilty of
14 a Class E crime.

15 STATEMENT OF FACT

16 The purpose of this amendment is to include cred-
17 it unions in the list of financial institutions which
18 can be utilized in a prepaid funeral arrangement.

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Filed by Rep. Hobbins of Saco'
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