

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 923

H. P. 631

House of Representatives, February 25, 1959

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Mayo of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Pre-arranged Payments for Funerals or Burial Plans.

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

R. S., c. 25, § 205-A, additional. Chapter 25 of the Revised Statutes is amended by adding a new section 205-A, to read as follows:

‘Sec. 205-A. Pre-arranged funerals or burial plans. After the effective date of this act, all moneys paid during a person’s lifetime to any individual, firm, association, partnership or corporation, by such person or by someone in his behalf under an agreement that services be performed or personal property be delivered in connection with the disposition of such person’s body after his death shall be deposited by the payee within 10 days after receipt thereof in a separate account in a bank, trust company 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 such account together with interest thereon. Nothing in this section shall be construed to prevent transfer of such funds to another such bank, trust company or savings institution by merger or consolidation or by operation of law.

Such funds may be withdrawn, if otherwise lawful, by the payee on written instructions of the person who originally paid the money or his legal representative or on the death of the person for whose benefit such funds were paid, in which latter event they shall be used in accordance with the agreement.

Such bank, trust company or savings institution shall be discharged from liability for payment of the funds in any such account upon presentation of a written consent to withdrawal signed by the party who paid the funds or his legal

representative and by the payee, or upon presentation of proof of death of such person for whose benefit such funds were paid. This section shall not apply to the sale of cemetery lots, crypts, niches, cemetery burial privileges, cemetery space or perpetual care.

Any person who violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 and not more than \$500, or by imprisonment for not more than 3 months.'