

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

The Knowlton and McLeary Company
Farmington, Maine
1963

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundred and First Legislature

1963

Chapter 34

AN ACT Relating to Testamentary Additions to Trusts.

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

R. S., c. 169, § 17-A, additional. Chapter 169 of the Revised Statutes is amended by adding a new section 17-A, to read as follows:

‘**Sec. 17-A. Testamentary additions to trusts.** A devise or bequest, the validity of which is determinable by the law of this State, may be made by a will to the trustee or trustees of a trust established by the testator or by the testator and some other person or persons or by some other person or persons, including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts, if the trust is identified in the testator’s will and its terms are set forth in a written instrument, other than a will, executed before or concurrently with the execution of the testator’s will or in the valid last will of a person who has predeceased the testator, regardless of the existence, size or character of the corpus of the trust. The devise or bequest shall not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will or after the death of the testator. Unless the testator’s will provides otherwise, the property so devised or bequeathed shall not be deemed to be held under a testamentary trust of the testator but shall become a part of the trust to which it is given and shall be administered and disposed of in accordance with the provisions of the instrument or will setting forth the terms of the trust, including any amendments thereto made before the death of the testator, regardless of whether made before or after the execution of the testator’s will, and, if the testator’s will so provides, including any amendments to the trust made after the death of the testator. A revocation or termination of the trust before the death of the testator shall cause the devise or bequest to lapse.’

Effective September 21, 1963

Chapter 35

AN ACT Amending the Criminal Sanctions Provisions of the Banking Law.

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

R. S., c. 59, § 1-K, amended. Section 1-K of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 385 of the public laws of 1961, is amended to read as follows:

‘**Sec. 1-K. Criminal sanctions.** Any person responsible for an act or omission expressly declared to be a criminal offense by statutes pertaining to the supervision of financial institutions and for which no other penalty has been provided by statute shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 11 months or by a fine of not more than \$5,000, or by both. If the act or omission was intended to defraud, such person shall be guilty

of a felony and shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 5 years ~~or by a fine of not more than \$10,000~~, or by both.

An officer, director, trustee, employee or agent of a financial institution shall be responsible for an act or omission of the institution declared to be a criminal offense against statutes pertaining to the supervision of financial institutions whenever, knowing that such act or omission is unlawful, he participates in authorizing, executing, ratifying or concealing such act, or in authorizing or ratifying such omission, or, having a duty to take the required action, omits to do so. ~~A director or trustee shall be deemed to participate in any action of which he has knowledge taken or omitted to be taken by the board of which he is a member unless he dissents therefrom in writing and promptly notifies the commissioner of his dissent~~

~~Unless otherwise provided by statute, it shall be no defense to a criminal prosecution that the defendant did not know the facts establishing the criminal character of the act or omission charged if he should reasonably have known such facts in the proper performance of his duty.~~

Effective September 21, 1963

Chapter 36

AN ACT Permitting Credit Sales for Liquor to be Consumed on the Premises.

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

R. S., c. 61, § 51, amended. The first sentence of section 51 of chapter 61 of the Revised Statutes is amended to read as follows:

'No licensee by himself, clerk, servant or agent shall sell or offer to sell any liquor except for cash, excepting credits extended by a hotel or club to bona fide registered guests or members; and ~~excepting credits extended by a hotel or class A restaurant to the holder of a credit card which authorizes such holder to charge goods or credits.~~'

Effective September 21, 1963

Chapter 37

AN ACT Relating to Rules and Regulations in Fishing.

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

Whereas, fishing is one of Maine's greatest natural resources and a tremendous asset in developing Maine's recreational industry; and