

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

One Hundred and Sixth Legislature

1973

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**Sec. 3. Meetings.** The said commission shall be appointed promptly upon enactment hereof, and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer, adopt rules as to the administration of the commission and its affairs, which rules shall require a minimum of 30 days' notice of any public hearing to consider one or more aspects of the laws or prospective laws to be considered by the commission and which rules shall require that all proposals shall be transmitted to each participant in the business of insurance which shall have recorded its desire to receive and willingness to pay for the costs of printing and mailing same, and thereafter shall meet as often as necessary until its work is completed. In all matters as to which there is disagreement, a majority vote shall prevail, and a quorum shall consist of at least 3 members. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor.

**Sec. 4. Contractual services.** The commission shall hire on a contractual basis the necessary qualified persons who shall have the responsibility for financial review and legal research and drafting required in connection with the preparation of the proposed revisions to the Insurance Code, under the direction and supervision of the commission. Persons, whose services are contracted for, shall, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission.

**Sec. 5. Reimbursement of expenses.** The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, clerical services, correspondence and other related and necessary expenditures.

**Sec. 6. Appropriation.** There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$25,000 for the fiscal year ending June 30, 1974, to carry out the purposes of this Act. Any unexpended balances shall not lapse, but shall remain a continuing carrying account until June 30, 1975.

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

Effective July 5, 1973

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## CHAPTER 126

### AN ACT to Create a Commission to Prepare a Revision of the Probate Laws and the Administration Thereof.

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

**Sec. 1. Commission; duties.** 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 Legislature or the regular session of the 107th Legislature. Such proposed Probate Code shall include and

consist of a revision, redraft and rearrangement of appropriate sections of the Revised Statutes pertaining to the probate law and administration thereof, including the desirability of a full-time probate or family court system. Such proposed Probate Code may, without limitation, incorporate such necessary repealers, amendments and modifications of existing laws as, in the judgment of such commission, are necessary and appropriate to accomplish such purposes. Such proposed code may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State, and the commission shall give due consideration to the probate laws of other states, the Uniform Probate Code and the requirements for enforcement thereof. Such commission shall employ such counsel as may be required, to perform the necessary research and drafting of such code, such counsel, if any, to meet the requirements as set forth. Such commission shall hold such public hearings as may be deemed necessary to acquaint the public. It is the purpose and intent hereof to provide such commission with sufficient authority and funds to enable it to present to the Maine Legislature a fully modern, integrated and consistent Probate Code.

**Sec. 2. Membership.** The membership of the commission shall consist of 12 persons. The Governor shall appoint 2 members of the bar from a list furnished by the President of the Maine Bar Association, a representative of the Corporate Fiduciary Association from a list furnished by the Corporate Fiduciary Association of the State of Maine, one chartered life underwriter, 2 members of the Senate, appointed by the President of the Senate, 3 members of the House, appointed by the Speaker of the House, one representative of labor and 2 members appointed by the Governor. The Governor shall also designate 3 probate judges to act as consultants to the commission from a list furnished by the Probate Judges' Assembly of Maine.

**Sec. 3. Meetings.** The said commission shall be appointed promptly upon enactment hereof and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer and adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor and shall report periodically its progress to the Governor.

**Sec. 4. Counsel.** The commission shall contract such counsel as is deemed necessary who need not be a resident of this State, who shall have the responsibility for legal research and drafting required in connection with the preparation of the proposed Probate Code, under the direction and supervision of the commission. No person shall be employed as counsel who shall not, by virtue of prior training, experience, ability and reputation have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission.

**Sec. 5. Reimbursement of expenses.** The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

**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 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.