

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

Whereas, this form no longer fulfills the purpose intended due to recent legislative requirements relating to municipal tax commitments; and

Whereas, the following legislation is vitally necessary to eliminate such uncertainties for the 1975 municipal tax commitments; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

36 MRSA § 753, as last amended by PL 1973, c. 695, § 16, is repealed and the following enacted in place thereof:

§ 753. Municipal tax commitment; form

The Director of Property Taxation shall annually, before April 1st, prescribe the form of the municipal tax commitment to be used by municipal assessors in committing property taxes to the municipal tax collector.

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

Effective March 5, 1975

CHAPTER 34

AN ACT Concerning Continuation of a Power of Attorney upon Death or Disability.

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

18 MRSA c. 507 is enacted to read:

CHAPTER 507

DURATION OF POWER OF ATTORNEY

§ 4201. When power of attorney is not affected by disability

Whenever a principal designates another his attorney-in-fact or agent by a power of attorney in writing and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding his disability, the authority of the attorney-in-fact or agent is exercisable by him as provided in the power on behalf of the principal notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney-in-fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether

the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or his heirs, devisees and personal representatives as if the principal were alive, competent and not disabled. If a conservator or guardian thereafter is appointed for the principal, the attorney-in-fact or agent, during the continuance of the appointment, shall account to the conservator or guardian rather than the principal. The conservator or guardian has the same power the principal would have had if he were not disabled or incompetent to revoke, suspend, or terminate all or any part of the power of attorney or agency.

§ 4202. Other powers of attorney are not revoked until notice of death or disability

1. Power of attorney not revoked. The death, disability or incompetence of any principal who has executed a power of attorney in writing, other than a power as described by section 4201, does not revoke or terminate the agency as to the attorney-in-fact, agent or other person who, without actual knowledge of the death, disability or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his heirs, devisees and personal representatives.

2. Affidavit. An affidavit executed by the attorney-in-fact or agent stating that he did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability or incompetence, is, in the absence of fraud, conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record is likewise recordable.

3. Construction of this section. This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

Effective October 1, 1975

CHAPTER 35

AN ACT Relating to Licenses Issued by the Harness Racing Commission and to the Rule-making Authority of that Commission.

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

8 MRSA § 279-A, as last amended by PL 1973, c. 303, § 3, is repealed and the following enacted in place thereof:

§ 279-A. Licenses, rules and regulations

For the purpose of enabling the Harness Racing Commission to exercise and maintain a proper control over racing conducted under this chapter, the commission shall have the power to make and adopt rules and regulations for the licensing, with or without fee in the discretion of the commission, of owners, trainers, drivers, grooms and all other persons participating in harness horse racing, including pari-mutuel employees and race officials.