

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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public hearing thereon as provided.

If the board is able to find, on the basis of the application, that the proposed use will not lower the existing quality or the classification, whichever is higher, of any waters, nor adversely affect the public rights of fishing and navigation therein, and that inability to conduct such use will impose undue economic hardship on the applicant, it shall grant the permit for a period not to exceed 3 years, with such terms and conditions as, in its judgment, may be necessary to protect such quality, standards and rights.

In the event the board deems it necessary to solicit further evidence regarding the proposed use, it shall schedule a public hearing on the application.

At such hearing the board shall solicit and receive testimony concerning the nature and extent of the proposed use and its impact on existing water quality, water classification standards and the public rights of fishing and navigation and the economic implications upon the applicant of such use. If after hearing the board determines that the proposed use will not lower the existing quality or the classification standards, whichever is higher, of any waters, nor adversely affect the public rights of fishing and navigation therein and that inability to conduct such use will impose undue economic hardship on the applicant, it shall grant the permit for a period not to exceed 3 years, with such terms and conditions, as in its judgment, may be necessary to protect such quality, standards and rights.

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

Effective June 3, 1983.

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## CHAPTER 376

H.P. 1182 - L.D. 1575

AN ACT to Create a Statutory Will.

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

18-A MRSA §2-514 is enacted to read:

§2-514. Statutory wills

(a) Any person may execute a will on the following form and the will shall be presumed to be reasonable. This section does not limit any spousal rights, rights to exempt property or other rights set forth elsewhere in this Code.

Maine Statutory Will

NOTICE TO THE PERSON WHO SIGNS THIS WILL:

1. THIS STATUTORY WILL HAS SERIOUS LEGAL EFFECTS ON YOUR FAMILY AND PROPERTY. IF THERE IS ANYTHING IN THIS WILL THAT YOU DO NOT UNDERSTAND, YOU SHOULD CONSULT A LAWYER AND ASK HIM TO EXPLAIN IT TO YOU.
2. THIS WILL DOES NOT DISPOSE OF PROPERTY WHICH PASSES ON YOUR DEATH TO ANY PERSON BY OPERATION OF LAW OR BY CONTRACT. FOR EXAMPLE, THE WILL DOES NOT DISPOSE OF JOINT TENANCY ASSETS OR YOUR SPOUSE'S ELECTIVE SHARE, AND IT WILL NOT NORMALLY APPLY TO PROCEEDS OF LIFE INSURANCE ON YOUR LIFE OR YOUR RETIREMENT PLAN BENEFITS.
3. THIS WILL IS NOT DESIGNED TO REDUCE DEATH TAXES OR ANY OTHER TAXES. YOU SHOULD DISCUSS THE TAX RESULTS OF YOUR DECISIONS WITH A COMPETENT TAX ADVISOR.
4. YOU CANNOT CHANGE, DELETE, OR ADD WORDS TO THE FACE OF THIS MAINE STATUTORY WILL. YOU SHOULD MARK THROUGH ALL SECTIONS OR PARTS OF SECTIONS WHICH YOU DO NOT COMPLETE. YOU MAY REVOKE THIS MAINE STATUTORY WILL AND YOU MAY AMEND IT BY CODICIL.
5. THIS WILL TREATS ADOPTED CHILDREN AS IF THEY ARE NATURAL CHILDREN.
6. IF YOU MARRY OR DIVORCE AFTER YOU SIGN THIS WILL, YOU SHOULD MAKE AND SIGN A NEW WILL.
7. IF YOU HAVE ANOTHER CHILD AFTER YOU SIGN THIS WILL, YOU SHOULD MAKE AND SIGN A NEW WILL.
8. THIS WILL IS NOT VALID UNLESS IT IS SIGNED BY AT LEAST TWO WITNESSES. YOU SHOULD CAREFULLY READ AND FOLLOW THE WITNESSING PROCEDURE DESCRIBED AT THE END OF THIS WILL.
9. YOU SHOULD KEEP THIS WILL IN YOUR SAFE-DEPOSIT BOX OR OTHER SAFE PLACE.
10. IF YOU HAVE ANY DOUBTS WHETHER OR NOT THIS WILL ADEQUATELY SETS OUT YOUR WISHES FOR THE DISPOSITION OF YOUR PROPERTY, YOU SHOULD CONSULT A LAWYER.

MAINE STATUTORY WILL OF

\_\_\_\_\_  
(Print your name)

Article 1. Declaration

This is my will and I revoke any prior wills and codicils.

Article 2. Disposition of my property

2.1 REAL PROPERTY. I give all my real property to my spouse, if living; otherwise it shall be equally divided among my children who survive me; except as specifically provided below: (specific distribution not valid without signature.)

I leave the following specific real property to the person(s) named:

| <u>(name)</u> | <u>(description of item)</u> | <u>(signature)</u> |
|---------------|------------------------------|--------------------|
| _____         | _____                        | _____              |
| _____         | _____                        | _____              |
| _____         | _____                        | _____              |
| _____         | _____                        | _____              |

2.2 PERSONAL AND HOUSEHOLD ITEMS. I give all my furniture, furnishings, household items, personal automobiles, and personal items to my spouse, if living; otherwise they shall be equally divided among my children who survive me; except as specifically provided below: (specific distribution not valid without signature.)

I leave the following specific items to the person(s) named:

| <u>(name)</u> | <u>(description of item)</u> | <u>(signature)</u> |
|---------------|------------------------------|--------------------|
| _____         | _____                        | _____              |
| _____         | _____                        | _____              |
| _____         | _____                        | _____              |
| _____         | _____                        | _____              |

2.3 CASH GIFT TO CHARITABLE ORGANIZATIONS OR INSTITUTIONS: I make the following cash gift (s) to the named charitable organizations or institutions in the amount stated. If I fail to sign this provision, no gift is made. If the charitable organization or

institution does not survive me or accept the gift, then no gift is made.

| <u>(name)</u> | <u>(amount)</u> | <u>(signature)</u> |
|---------------|-----------------|--------------------|
| _____         | _____           | _____              |
| _____         | _____           | _____              |
| _____         | _____           | _____              |

2.4 ALL OTHER ASSETS (MY "RESIDUARY ESTATE"). I adopt only one Property Disposition Clause by placing my initials in the box in front of the letter "A", "B" or "C" signifying which clause I wish to adopt. I place my signature after clause "A" or clause "B", or after each individual distribution in clause "C". If I fail to sign the appropriate distribution(s) or if I sign in more than one clause or if I fail to place my initials in the appropriate box, this paragraph 2.4 will be invalid and I realize that the remainder of my property will be distributed as if I did not make a will.

Property Disposition Clauses. (select one).

\_\_\_ A. I leave all my remaining property to my spouse, if living. If not living, then in equal shares to my children and the descendants of any deceased child. \_\_\_\_\_  
(signature)

\_\_\_ B. I leave the following stated amount to my spouse \_\_\_\_\_ and the remainder in equal shares to my children and the descendants of any deceased child. If my wife is not living, her share shall be distributed in equal shares to my children and the descendants of any deceased child.  
\_\_\_\_\_  
(signature)

\_\_\_ C. I leave the following stated amounts to the persons named:

|               |                 |                    |
|---------------|-----------------|--------------------|
| _____         | _____           | _____              |
| <u>(name)</u> | <u>(amount)</u> | <u>(signature)</u> |
| _____         | _____           | _____              |
| <u>(name)</u> | <u>(amount)</u> | <u>(signature)</u> |
| _____         | _____           | _____              |
| <u>(name)</u> | <u>(amount)</u> | <u>(signature)</u> |
| _____         | _____           | _____              |
| <u>(name)</u> | <u>(amount)</u> | <u>(signature)</u> |
| _____         | _____           | _____              |
| <u>(name)</u> | <u>(amount)</u> | <u>(signature)</u> |

2.5 UNDISTRIBUTED PROPERTY. If I have any property which, for any reason, does not pass under the other parts of this will, all of that property shall be distributed as follows: (Draw a line through any unused space.)

(this paragraph only valid if signed)

Article 3. Nomination of guardian, conservator and personal representative

3.1 GUARDIAN. (If you have a child under 18 years of age, you may name at least one person to serve as guardian for the child.)

If a guardian is needed for any child of mine, then I nominate the first guardian named below to serve as guardian of that child. If the person does not serve, then the others shall serve in the order I list them. My nomination of a guardian is not valid without my signature.

FIRST GUARDIAN \_\_\_\_\_ (signature)

SECOND GUARDIAN \_\_\_\_\_ (signature)

THIRD GUARDIAN \_\_\_\_\_ (signature)

3.2 CONSERVATOR. (A conservator may be named to manage the property of a minor child. You do not need to name a conservator if you wish the guardian to act as conservator. If you wish to name a conservator in addition to a guardian, complete this paragraph, 3.2. If you do not wish to name a separate conservator, do not complete this paragraph.)

I nominate the first conservator named below to serve as conservator for any minor children of mine. If the first conservator does not serve, then the others shall serve in the order I list them. My nomination of a conservator is not valid without my signature.



FIRST CONSERVATOR \_\_\_\_\_  
(signature)

SECOND CONSERVATOR \_\_\_\_\_  
(signature)

THIRD CONSERVATOR \_\_\_\_\_  
(signature)

3.3 PERSONAL REPRESENTATIVE. (Name at least one.) I nominate the person or institution named as first personal representative below to administer the provisions of this will. If that person or institution does not serve, then I nominate the others to serve in the order I list them. My nomination of a personal representative is not valid without my signature.

FIRST PERSONAL REPRESENTATIVE \_\_\_\_\_  
(signature)

SECOND PERSONAL REPRESENTATIVE \_\_\_\_\_  
(signature)

THIRD PERSONAL REPRESENTATIVE \_\_\_\_\_  
(signature)

I sign my name to this Maine Statutory Will on \_\_\_\_\_  
at \_\_\_\_\_ in the State of \_\_\_\_\_  
(date) (city)

\_\_\_\_\_  
Your Signature

STATEMENT OF WITNESSES (You must have two witnesses.)

Each of us declares that the person who signed above willingly signed this Maine Statutory Will in our presence or willingly directed another to sign it for him or her or that he or she acknowledged that the signature on this Maine Statutory Will is his or hers or that he or she acknowledged that this Maine Statutory Will is his or her will and we sign below as witnesses to that signing.

Signature \_\_\_\_\_

Printed name \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_

Printed name \_\_\_\_\_

Address \_\_\_\_\_

(b) Forms for executing a statutory will shall be provided at all Probate Courts for a cost equivalent to the reasonable cost of printing and storing the forms. A statutory will shall be deemed to be valid if the blanks are filled in with a typewriter or in the handwriting of the person making the will. Failure to complete or mark through any section or part of a section in the statutory will shall not invalidate the entire will. Failure to sign any section or part of a section in the statutory will requiring a signature shall only invalidate the part not signed, except as specifically provided in paragraph 2.4.

Effective September 23, 1983.

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## CHAPTER 377

S.P. 559 - L.D. 1616

### AN ACT Concerning Records of Arrests of Criminal Offenders.

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

16 MRSA §612-A is enacted to read:

§612-A. Record of persons detained

1. Requirement of record. Every criminal justice agency that maintains a facility for pretrial detention shall record the following information concerning each person delivered to it for pretrial detention for any period of time:

A. Identity of the arrested person, including name, age, residence and occupation, if any;

B. Offenses charged, including the time, place and nature of the offense;

C. Time and place of arrest; and

D. Circumstances of arrest, including force, resistance, pursuit and weapon, if any.