

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.

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

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

and except as otherwise provided.

Sec. 14. 12 MRSA §7736, sub-§1, ¶A, as enacted by PL 1979, c. 420, §1, is amended to read:

A. A person may keep a wild animal in captivity in accordance with sections 7231~~7~~; 7235~~7~~; 7241~~7~~; 7242~~7~~; 7035, subsection 4 3; section 7771, subsection 2~~7~~; or Title 7, section 1809; and

Sec. 15. 12 MRSA §7901, sub-§4, as amended by PL 1979, c. 543, §83, is further amended to read:

4. A violation of section 7505, subsection 3, paragraph A, failure to restrain nuisance dog ~~chasing or pursuing, but not wounding or killing any wild animal~~, is a civil violation, for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged of which not more than \$50 may be suspended.

Sec. 16. 12 MRSA §7901, sub-§5 is enacted to read:

5. Violation of terms or conditions. A violation of section 7776 or a violation of any of the terms or conditions of a permit issued pursuant to section 7777, in addition to being a Class E crime, is a civil violation for which a forfeiture of not less than \$100 nor more than \$10,000 may be adjudged.

Effective September 23, 1983.

CHAPTER 441

H.P. 1256 - L.D. 1669

AN ACT to Revise Certain Sections of the Probate Code.

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

Sec. 1. 18-A MRSA §2-201, sub-§(b), as enacted by PL 1979, c. 540, §1, is amended to read:

(b) If a married person not domiciled in this State dies, the right, if any, of the surviving spouse to take an elective share in property in this State is governed by the law of the decedent's domicile at death; provided that no claim under this sub-

section shall be made to real property located in this State which was conveyed for value by the decedent during his lifetime.

Sec. 2. 18-A MRSA §2-202, ¶(3), as enacted by PL 1979, c. 540, §1, is amended to read:

(3) For purposes of this section a bona fide purchaser is a purchaser for value in good faith and without notice of any adverse claim. Any recorded instrument on which the register of deeds shall note by an appropriate stamp "Maine Real Estate Transfer Tax Paid" is prima facie evidence that the transfer described was made to a bona fide purchaser.

Sec. 3. 18-A MRSA §2-402, as enacted by PL 1979, c. 540, §1, is amended to read:

§2-402. Exempt property

In addition to the homestead allowance, the surviving spouse of a decedent who was domiciled in this State is entitled from the estate to value not exceeding \$3,500 in excess of any security interests therein in property exempt under Title 14, ~~section 4401~~ chapter 507, subchapter II, Article 7 on the date of death of the decedent. If there is no surviving spouse, children of the decedent are entitled jointly to the same value. If encumbered chattels are selected and if the value in excess of security interests, plus that of other exempt property, is less than \$3,500, or if there is not \$3,500 worth of exempt property in the estate, the spouse or children are entitled to other assets of the estate, if any, to the extent necessary to make up the \$3,500 value. Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate, except that the right to any assets to make up a deficiency of exempt property shall abate as necessary to permit prior payment of homestead allowance and family allowance. These rights are in addition to any benefit or share passing to the surviving spouse or children by the will of the decedent unless otherwise provided, by intestate succession, or by way of elective share.

Sec. 4. 18-A MRSA §3-910, as enacted by PL 1979, c. 540, §1, is amended to read:

§3-910. Purchasers from distributees protected

If property distributed in kind or a security interest therein is acquired for value by a purchaser from or lender to a distributee who has received an instrument or deed of distribution from the personal representative, or is so acquired by a purchaser from or lender to a transferee from such distributee, the

purchaser or lender takes title free of rights of any interested person in the estate and incurs no personal liability to the estate, or to any interested person, whether or not the distribution was proper or supported by court order or the authority of the personal representative was terminated before execution of the instrument or deed. This section protects a purchaser from or lender to a distributee who, as personal representative, has executed a deed of distribution to himself, as well as a purchaser from or lender to any other distributee or his transferee. To be protected under this provision, a purchaser or lender need not inquire whether a personal representative acted properly in making the distribution in kind, even if the personal representative and the distributee are the same person, or whether the authority of the personal representative had terminated before the distribution. Any recorded instrument described in this section on which the register of deeds notes by an appropriate stamp "Maine Real Estate Transfer Tax Paid" shall be prima facie evidence that the transfer was made for value.

Effective September 23, 1983.

CHAPTER 442

S.P. 589 - L.D. 1707

AN ACT to Amend the Investment Provisions
and Certain Related Sections of the
Maine Insurance Code.

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

Sec. 1. 24-A MRSA §1103, sub-§1, as enacted by PL 1969, c. 132, §1, is amended to read:

1. No security or investment, other than real and personal property acquired under section 1125 (real estate), shall be eligible for acquisition unless it is interest bearing or interest accruing or entitled to dividends, if declared, or is otherwise income-entitled, is not then in default in any respect, and the insurer is entitled to receive for its exclusive account and benefit the interest or income accruing thereon.

Notwithstanding this subsection, nothing in this chapter may be deemed to prohibit an insurer from