

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
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or a combination of both in no case less than \$1,000 wholesale value. No merchandise shall be considered to be reasonably compatible with a stock of malt liquor or table wine, for the purpose of licensing a retail store, which consists of gasoline and oil; used or new cars, parts or accessories; or such other items of stock that may be equally incompatible in nature. Compatible merchandise shall consist exclusively of tobacco products, newspapers, greeting cards and, paper products and a stock of foodstuffs and other consumable products used on the premises in the preparation of food for consumption on or off the premises. Compatible merchandise shall be displayed in the general sales area of the licensee, except that foodstuffs and other consumable products used in the preparation of food are not required to be displayed if they are stored elsewhere on the premises.

Effective September 19, 1985.

CHAPTER 239

S.P. 326 - L.D. 815

AN ACT Relating to Theft Offenses.

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

Sec. 1. 17-A MRSA §362, sub-§3, ¶C, as repealed and replaced by PL 1981, c. 317, §10, is repealed.

Sec. 2. 17-A MRSA §362, sub-§3-A is enacted to read:

3-A. Theft, or any attempt at theft, is a Class C crime if the actor has 2 prior Maine convictions for any combination of theft, any violation of section 702, 703 or 708 or any violation of section 401 in which the crime intended to be committed inside the structure is theft, any violation of section 651 or attempts thereat. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced, although both prior convictions may have occurred on the same day. This subsection does not apply if the commission of the 2 prior offenses occurred within a 3-day period. The date of a conviction shall be deemed the date that sentence is imposed, even though an appeal was taken. The date of a commission of pri-

or offenses shall be presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

Effective September 19, 1985.

CHAPTER 240

S.P. 571 - L.D. 1498

AN ACT Relating to Prearranged Funerals or Burial Plans.

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

32 MRSA §1401, as amended by PL 1983, c. 816, Pt. C, §1, is further amended to read:

§1401. Prearranged funerals or burial plans

All moneys paid during a person's lifetime to any individual, firm, association, partnership or corporation, by that person or by someone in his behalf under an agreement that services be performed or personal property be delivered in connection with the disposition of that person's body after his death shall be deposited by the payee within ~~30~~ 10 days after receipt thereof in a separate account in a bank, trust company, credit union or savings institution in this State in the name of the payee as mortuary trustee for the person for whose benefit the payment was made and shall be held in that account together with interest if any thereon. Within 30 days after the deposit of funds by the payee, the bank, trust company, credit union or savings institution shall provide a written confirmation of the deposit, including the amount deposited, to the payor or his legal representative. Nothing in this section may be construed to prevent transfer of these funds to another such bank, trust company, credit union or savings institution by merger or consolidation or by operation of law provided that within 30 days after transfer of the funds, the bank, trust company, credit union or savings institution shall provide a written confirmation of the deposit, including the amount deposited, to the payor or his legal representative.

The agreement shall be in writing and a copy shall be furnished to the payor or his legal repre-