

# 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.

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

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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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.

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## 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-

sentative by the payee when the agreement is executed. The agreement shall clearly state terms providing for disposition of any interest earned on the funds deposited. The payee shall maintain a complete record of the deposit of all funds, including principal and interest. The record shall be available for inspection by the payor or his legal representative and shall contain the name and address of the bank, trust company, credit union or savings institution and the dates and amounts of deposits.

~~Sueh~~ The funds may be withdrawn, if otherwise lawful, by the payee on written instructions of the person who originally paid the money payor or his legal representative or on the death of the person for whose benefit ~~sueh~~ the funds were paid, in which latter event they shall be used in accordance with the agreement.

~~Sueh~~ The bank, trust company, credit union or savings institution shall be discharged from liability for payment of the funds in any such account upon presentation of a written consent to withdrawal signed by the party who paid the funds payor or his legal representative and by the payee, or upon presentation of proof of death of ~~sueh~~ the person for whose benefit ~~sueh~~ the funds were paid. This section shall not apply to the sale of cemetery lots, crypts, niches, cemetery burial privileges, cemetery space or perpetual care.

Any person who violates this section is guilty of a Class E crime. This section shall not preclude prosecution or conviction under other applicable laws.

Effective September 19, 1985.

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## CHAPTER 241

S.P. 574 - L.D. 1499

AN ACT to Simplify and Clarify the Public  
Utilities Commission's Authority Over  
Utility Issuance of Stocks, Bonds and  
Notes.

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

Sec. 1. 35 MRSA §171, sub-§1 is amended to read: