

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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 Company  
Augusta, Maine  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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ant as soon as possible after the agency receives the money. If the compensation is paid to the Department of Corrections, Division of Probation and Parole, the office of the prosecuting attorney who prosecuted the case may request that the Commissioner of Corrections direct that the compensation be forwarded to the office of the prosecuting attorney, which shall make the disbursement to the victim or other authorized claimant as soon as possible.

See title page for effective date.

## CHAPTER 148

### H.P. 515 - L.D. 673

#### An Act to Amend the Probate Code Providing Duties of Registers of Probate

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

**Sec. 1. 18-A MRSA §1-307**, as enacted by PL 1979, c. 540, §1, is amended to read:

#### §1-307. Register; powers

The register has the power to probate wills and appoint personal representatives as provided in sections 3-302 and 3-307 and to perform other duties as set out in this Title generally. The acts and orders which that this Code specifies as performable by the register may also be performed by a judge of the court or by a deputy register appointed under the provisions of section 1-506.

**Sec. 2. 18-A MRSA §1-503, first ¶**, as enacted by PL 1979, c. 540, §1, is amended to read:

Registers of probate ~~shall~~ have the care and custody of all files, papers and books belonging to the probate office; and shall duly record all wills proved probated formally or informally, letters of ~~administration or authority of a personal representative, guardianship granted or conservatorship issued~~, bonds approved, accounts filed or allowed, all informal applications and findings, all petitions ~~for distribution and decrees thereon and all petitions, decrees and licenses relating to the sale, exchange, lease or mortgage of real estate, decrees, orders or judgments of the judge, including all petitions and, decrees or orders relating to adoption adoptions and change changes of name, and such orders and decrees of the judge, names and other matters, as he the judge directs.~~ They Registers of probate shall keep a docket of all probate cases and shall, under the appropriate heading of each case, make entries of each motion, order, decree and proceeding so that at all times the docket will show shows the exact condition of each case. Any register may act as an auditor of accounts when requested to do so by the judge and his the judge's

~~decision shall be is~~ final unless appeal is taken in the same manner as other probate appeals. The records may be attested by the volume; and it ~~shall be is~~ deemed to be a sufficient attestation of ~~such those~~ records; when each volume ~~thereof~~ bears the attest with the written signature of the register or other person authorized by law to attest ~~such those~~ records. The registers of probate may bind in volumes of convenient size original inventories and accounts filed in their respective offices; and, when ~~so~~ bound and indexed, ~~such those~~ inventories and accounts ~~shall be are~~ deemed to be recorded in all cases ~~where when~~ the law requires a record to be made; and no further record ~~shall be is~~ required.

**Sec. 3. 18-A MRSA §1-602, sub-§(1)**, as amended by PL 1981, c. 279, §10, is further amended to read:

(1) For making and certifying to the register of deeds copies of devises of real estate, abstracts of petitions for appointment of a personal representative or for an elective share; and any other document for which ~~such~~ certification is required, \$6, except as otherwise expressly provided by statute law. The fee ~~shall must~~ be paid by the personal representative, petitioner or other person filing the document to be certified when the copy of the devise or abstracts ~~are is~~ made. ~~The register of deeds shall receive the fee set in Title 33, section 751 when the certified copy is furnished to him. The register of probate shall deliver the certified document to the register of deeds together with the fee for recording as provided by Title 33, section 751. The personal representative, petitioner, applicant or other person requesting the certification shall pay the recording fee to the register of probate.~~

**Sec. 4. 18-A MRSA §1-602, sub-§(2)**, as repealed and replaced by PL 1987, c. 392, §1, is amended to read:

(2) For receiving and entering each petition or application for all estates, testate and intestate, including foreign estates, and the filing of a notice by a domiciliary foreign personal representative when the value of the estate is:

- ~~(i) For filing a will without probate, no fee;~~
- (ii) For filing a will to be probated and without an appointment, \$10;
- (iii) \$10,000 and under, \$15;
- (iv) \$10,001 to \$20,000, \$30;
- (v) \$20,001 to \$30,000, \$45;
- (vi) \$30,001 to \$40,000, \$60;

- (vii) \$40,001 to \$50,000, \$75;
- (viii) \$50,001 to \$75,000, \$100;
- (ix) \$75,001 to \$150,000, \$150;
- (x) \$150,001 to \$250,000, \$200;
- (xi) \$250,001 to \$500,000, \$300;
- (xii) \$500,001 to \$1,000,000, \$400;
- (xiii) \$1,000,001 to \$2,000,000, \$500; or
- (xiv) More than \$2,000,000, \$600.

**Sec. 5. 18-A MRSA §2-902**, as amended by PL 1983, c. 706, is further amended to read:

**§2-902. Duty of custodian of will; liability**

After the death of a testator, any person having custody of a will of the testator shall deliver it with reasonable promptness to a person able to secure its probate and if none is known, to an appropriate court for filing and recording until probate is sought. Any person having custody of a will ~~shall is not be~~ liable, to any person aggrieved, for failure to learn of the death of the testator of that will and the failure, therefore, to deliver that will as required. Any person who willfully fails to deliver a will, or who willfully defaces or destroys any will of a deceased person, is liable to any person aggrieved for the damages, which may be sustained by such failure to deliver, or by such defacement or destruction. Any person who willfully refuses or fails to deliver a will, or who so defaces or destroys it, after being ordered by the court in a proceeding brought for the purpose of compelling delivery is subject to penalty for contempt of court.

See title page for effective date.

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## CHAPTER 149

H.P. 489 - L.D. 647

### An Act to Amend the Law Pertaining to the Termination of Credit Insurance

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

**Sec. 1. 24-A MRSA §2859, sub-§4, ¶C**, as enacted by PL 1977, c. 672, §4, is amended to read:

C. ~~In the event where debtors are insured under individual policies~~ When a debtor is insured under an individual or group policy, nonpayment by such

a debtor of any required premium over 31 days past due, provided that at least 10 days prior to termination the debtor has been given a notice of the right to cure in substantially the same form required by Title 9-A, section 5-110, subsection 3;

**Sec. 2. 24-A MRSA §2859, sub-§4, ¶F**, as enacted by PL 1979, c. 127, §156-D, is amended to read:

F. ~~In the case where~~ If credit is extended on a closed-end basis, coverage for an individual insured under the policy may be terminated upon expiration of the term of the loan or term for which a charge was paid; or

**Sec. 3. 24-A MRSA §2859, sub-§4, ¶G** is enacted to read:

G. When credit insurance is paid for by the debtor in a single premium at the inception of the debt, if the debt is placed in charged-off status by the creditor because the debt is uncollectible, the insurance coverage may be terminated by the creditor and any refund of premium must be applied against any outstanding indebtedness. The creditor shall give notice of the termination of insurance coverage to the debtor at the debtor's last known address.

See title page for effective date.

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## CHAPTER 150

H.P. 764 - L.D. 1031

### An Act to Extend Burial Eligibility for Dependent Children

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

**Sec. 1. 37-B MRSA §504, sub-§4, ¶A-1**, as amended by PL 1989, c. 502, Pt. D, §21, is further amended to read:

A-1. As used in this subsection, unless the context indicates otherwise, the following terms have the following meanings.

- (1) "Eligible dependent" means the wife, husband, surviving spouse, unmarried minor child, unmarried dependent child enrolled in secondary school or unmarried adult child who became incapable of self-support before reaching 18 years of age on account of mental or physical defects.