

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.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

- (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.

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.

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.

(2) "Eligible veteran" means any person who:

(a) Served on active duty in the United States Armed Forces during any federally recognized period of conflict, served on active duty in the United States Armed Forces at any time during the period December 22, 1961 to August 5, 1964 or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and who:

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty; and

(ii) Was a resident of the State at the time of entering military service, death or the death of an eligible dependent;

(b) Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on state active duty as provided in chapter 3, subchapter III; or

(c) Served in the Armed Forces in the United States at any time and was killed or died as a result of hostile action and was a resident of the State at the time of entering military service, at the time of death or at the time of the death of an eligible dependent.

(3) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, March 31, 1920, if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955; and the Vietnam War, August 5, 1964 to May 7, 1975.

See title page for effective date.

CHAPTER 151

H.P. 518 - L.D. 702

An Act to Clarify the Existing Sales Tax Exemption for Aquacultural Production

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain new businesses are attempting to start operations in the State but are hampered by confusion and misunderstanding of the law and rules regarding aquacultural production; and

Whereas, state policy is to encourage and assist new businesses whenever possible; and

Whereas, clarifying the sales tax laws would provide immediate assistance to these new companies; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 36 MRSA §2013, as amended by PL 1989, c. 847, §3, is further amended to read:

§2013. Refund of sales tax on depreciable machinery and equipment purchases

1. Definitions. As used in this section, unless the context otherwise indicates, the following words ~~shall~~ have the following meanings.

A. "~~Agricultural~~ Commercial agricultural production" means commercial production of crops for human and animal consumption, including the commercial production of sod, the commercial production of seed to be used primarily to raise crops for nourishment of humans or animals and production of livestock.

A-1. "Commercial aquacultural production" means the commercial production of cultured fish, shellfish, seaweed or other marine plants for human and animal consumption, including:

(1) All cultivating activities occurring at hatcheries or nurseries, from the egg, larval or spore stages to the transfer of the product to a growing site; and

(2) All cultivating activities occurring on water, from the receipt of fish, shellfish, seaweed or other marine plants from onshore facilities to the delivery of harvested products to onshore facilities for processing.

B. "Commercial fishing" means attempting to catch ~~or cultivate~~ fish or any other marine animals or