

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

(iv) ~~From~~ After January 1, 2003 until ~~December 31, 2003,~~ \$50,000.

**Sec. 2. 24-A MRSA §2412-A, sub-§2,** as enacted by PL 1999, c. 328, §1, is amended to read:

**2. Regulation of policy; establishing rates.** The provisions of section 2412, subsections 1 to 5 and subsection 8; sections 2413, 2418, 2421 and 2438 to 2445; and chapter 25, subchapter 1, except for section ~~2302~~ 2303, subsection 1, paragraph B, as the provisions relate to the filing, approval and fixing of or establishing rates, do not apply to any contract of insurance issued to a large commercial policyholder pursuant to this section. Section 2004, subsection 4 also does not apply to any contract of insurance issued pursuant to this section to a large commercial policyholder.

**Sec. 3. Retroactivity.** This Act applies retroactively to September 18, 1999.

See title page for effective date.

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**CHAPTER 539**

**S.P. 875 - L.D. 2283**

**An Act to Realign Capital Requirements for Specialty Bank Charters**

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

**Sec. 1. 9-B MRSA §1213,** as enacted by PL 1997, c. 398, Pt. J, §2, is amended to read:

**§1213. Capital**

A nondepository trust company ~~shall maintain minimum capital~~ must have initial paid-in capital in accordance with chapter 31 and shall maintain capital in accordance with section 412-A and any rules adopted under ~~these provisions~~ section 412-A, except the superintendent may ~~provide for a~~ establish different ~~amount~~ capital maintenance requirements for nondepository trust companies ~~by order or rule than those required for other financial institutions organized under this Title.~~

**Sec. 2. 9-B MRSA §1223, sub-§1,** as enacted by PL 1997, c. 398, Pt. J, §2, is repealed.

**Sec. 3. 9-B MRSA §1223, sub-§2,** as enacted by PL 1997, c. 398, Pt. J, §2, is amended to read:

**2. Capital.** A merchant bank must have initial paid-in capital in accordance with chapter 31 and shall maintain minimum capital in accordance with section

412-A or any rules adopted under ~~that~~ section 412-A. The superintendent may establish different capital maintenance standards for merchant banks than for other financial institutions organized under this Title. The minimum capital maintenance standards for a merchant bank may not be less than a level equal to 150% of the tier 1 risk-based capital and 150% of total risk-based capital established from time to time by the Board of Governors of the Federal Reserve System for a well-capitalized bank.

**Sec. 4. 9-B MRSA §1233,** as enacted by PL 1997, c. 398, Pt. J, §2, is amended to read:

**§1233. Capital**

An uninsured bank must have initial paid-in capital in accordance with chapter 31 and shall maintain minimum capital in accordance with section 412-A or rules adopted under section 412-A, except that the superintendent may establish different capital maintenance requirements for uninsured banks than those required for insured financial institutions organized under this Title.

See title page for effective date.

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**CHAPTER 540**

**S.P. 885 - L.D. 2300**

**An Act to Make Minor Changes to the Community Development Definitions to Maintain Compatibility with Federal Regulations**

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

**Sec. 1. 30-A MRSA §5201, sub-§1,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Existence of depressed areas.** There exists in the municipalities of the State deteriorating, dilapidated, slum and blighted areas, dangerous buildings and incompatible uses of property, which constitute a serious ~~and growing menace, injurious and inimical threat~~ to the public health, safety, morals and or welfare of the residents of the State;

**Sec. 2. 30-A MRSA §5201, sub-§2,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 3. 30-A MRSA §5201, sub-§4,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**4. Not remediable by regulation or private enterprise.** These ~~menaces~~ threats are beyond remedy and control solely by regulatory process in the exercise of police power and cannot be dealt with effectively by the ordinary operation of private enterprise without the aids provided in this chapter;

**Sec. 4. 30-A MRSA §5202, sub-§1,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Blighted area.** "Blighted area" means:

A. An area in which there ~~is~~ are a ~~predominance~~ substantial number of buildings or improvements ~~which that are conducive to ill health, the transmission of disease, infant mortality, juvenile delinquency or crime and are~~ detrimental to the public health, safety, ~~morals~~ or welfare because of:

- (1) Dilapidation, deterioration, age or obsolescence;
- (2) Inadequate provision for ventilation, light, air, sanitation or open spaces;
- (3) High density of population and overcrowding;
- (4) The existence of conditions ~~which that~~ endanger life or property by fire and other causes; or
- (5) Any combination of these factors; or

B. An area ~~which that~~ is a ~~menace~~ threat to the public health, safety, ~~morals~~ or welfare in its present condition and use because of:

- (1) ~~The predominance of inadequate~~ Inadequate street layout, ~~insanitary~~ unsanitary or unsafe conditions;
- (2) Tax or special assessment delinquency exceeding the fair value of the land;
- (3) The existence of conditions ~~which that~~ endanger life or property by fire and other causes; or
- (4) Any combination of these factors.

See title page for effective date.

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**CHAPTER 541**

**H.P. 1636 - L.D. 2287**

**An Act to Expand the Maine Technology Institute Board**

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

**Sec. 1. 5 MRSA §15302, sub-§3,** as enacted by PL 1999, c. 401, Pt. AAA, §3, is amended to read:

**3. Board of Directors of the Maine Technology Institute.** The institute is governed and all of its powers exercised by a board of directors, referred to in this chapter as the "board," consisting of ~~44~~ 12 voting members and 3 nonvoting members.

A. The Governor shall appoint 9 voting directors, 7 of whom must be representatives of targeted technologies. The other 2 directors must have demonstrated significant experience in finance, lending or venture capital. In making the appointments from targeted technologies, the Governor shall consider recommendations submitted by representatives of targeted technology sectors. Directors of the board appointed by the Governor are entitled to receive reimbursement at the legislative rate for necessary expenses for their attendance at authorized meetings of the board.

B. The Commissioner of Economic and Community Development or the commissioner's designee, ~~the President of the Maine Technical College System or the president's designee~~ and the Chancellor of the University of Maine System or the chancellor's designee are ex officio voting directors.

C. The President of the Maine Science and Technology Foundation or the president's designee and the Director of the State Planning Office or the director's designee are ex officio nonvoting directors.

D. The Maine Technology Institute Director is a nonvoting director.

See title page for effective date.

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**CHAPTER 542**

**H.P. 1624 - L.D. 2271**

**An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court**

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

**Whereas,** it has recently become apparent that the laws governing service of protection from harassment orders were not amended to allow for