

MAINE STATE LEGISLATURE

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(EMERGENCY)
(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 834

H.P. 616 House of Representatives, March 18, 1987
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representatives ALLEN of Washington,
RYDELL of Brunswick, and Senator THERIAULT of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to the Appointment of Persons
2 to Superintendent Positions Within the
3 Department of Professional and
4 Financial Regulation.
5

6 Emergency preamble. Whereas, Acts of the Legis-
7 lature do not become effective until 90 days after
8 adjournment unless enacted as emergencies; and

9 Whereas, current law requires the Superintendent
10 of Banking, Superintendent of Insurance and Superin-
11 tendent of Consumer Credit Protection within the De-
12 partment of Professional and Financial Regulation to
13 be reviewed by the joint standing committee of the
14 Legislature having jurisdiction over business legis-
15 lation; and

1 Whereas, the banking, insurance and consumer
2 credit protection legislation is now referred to the
3 recently created Joint Standing Committee on Banking
4 and Insurance; and

5 Whereas, there are some appointments that need to
6 be made to these positions during the First Regular
7 Session of the 113th Legislature; and

8 Whereas, the Joint Standing Committee on Banking
9 and Insurance is more appropriate than the Joint
10 Standing Committee on Business Legislation to review
11 the nominations to these positions; and

12 Whereas, in the judgment of the Legislature,
13 these facts create an emergency within the meaning of
14 the Constitution of Maine and require the following
15 legislation as immediately necessary for the preser-
16 vation of the public peace, health and safety; now,
17 therefore,

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

20 Sec. 1. 9-A MRSa §6-103, as amended by PL 1985,
21 c. 763, Pt. A, §48, is further amended to read:

22 §6-103. Administration

23 There is created and established the Bureau of
24 Consumer Credit Protection within the Department of
25 Business Professional and Financial Regulation. The
26 Superintendent of Consumer Credit Protection is the
27 head of Consumer Credit Protection. As used in this
28 Act, "administrator" means the Superintendent of the
29 Bureau of Consumer Credit Protection. He shall be
30 appointed by the Governor and subject to review by
31 the joint standing committee of the Legislature hav-
32 ing jurisdiction over business legislation banking
33 and insurance and to confirmation by the Legislature.
34 He shall be appointed for a term of 5 years or until
35 a successor is appointed and qualified. Any vacancy
36 occurring shall be filled by appointment for the un-
37 expired portion of the term. He may be removed from
38 office for cause by impeachment or by the Governor on
39 the address of both branches of the Legislature and

1 Title 5, section 711, paragraph B, shall not apply.
2 During his term of office the administrator shall en-
3 gage in no other business or profession. The admin-
4 istrator's salary shall be paid from the General
5 Fund.

6 Sec. 2. 9-B MRSA §211, sub-§1, as amended by PL
7 1981, c. 359, §4, is further amended to read:

8 1. Appointment; term; qualifications. The activ-
9 ities of the bureau shall be directed by a superin-
10 tendent who shall be appointed by the Governor and
11 subject to review by the Joint Standing Committee on
12 Business Legislation joint standing committee of the
13 Legislature having jurisdiction over banking and
14 insurance and to confirmation by the Legislature. The
15 superintendent shall hold office for a term of 5
16 years, or until his successor is appointed and quali-
17 fied. The superintendent may be removed from office
18 for cause by impeachment or by the Governor on the
19 address of both branches of the Legislature, and Ti-
20 tle 5, section 711, paragraph B, shall not apply. Any
21 person appointed as superintendent shall have the
22 knowledge of, or experience in, the theory and prac-
23 tice of banking.

24 Sec. 3. 24-A MRSA §201, sub-§2, as amended by PL
25 1981, c. 359, §5, is further amended to read:

26 2. The superintendent shall be appointed by the
27 Governor and subject to review by the Joint Standing
28 Committee on Business Legislation joint standing com-
29 mittee of the Legislature having jurisdiction over
30 banking and insurance and to confirmation by the Leg-
31 islature.

32 Emergency clause. In view of the emergency cited
33 in the preamble, this Act shall take effect when ap-
34 proved.

1

STATEMENT OF FACT

2 The purpose of this bill is to change in the
3 Maine Revised Statutes the name of the joint standing
4 committee of the Legislature which will review nomi-
5 nees for the positions of Superintendent of Banking,
6 Superintendent of Consumer Credit Protection and the
7 Superintendent of Insurance. Current laws provide
8 the Joint Standing Committee on Business Legislation
9 with this responsibility. The recently created Joint
10 Standing Committee on Banking and Insurance to which
11 banking, consumer credit and insurance legislation
12 are referred is now the proper committee to review
13 the nominations to these positions. The current
14 Joint Standing Committee on Business Legislation is
15 primarily concerned with legislation dealing with oc-
16 cupational and professional licensing boards and the
17 other business regulatory legislation that does not
18 involve financial institutions or consumer credit.

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