

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
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CHAPTER 151

AN ACT to Revise the Law Pertaining to Guardian Release of a Ward's Interest in Real Estate.

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

18 MRSA § 2051, sub-§ 11 is enacted to read:

11. Guardians; release of ward's interest in real estate. Of guardians, to sell or release any interest of the ward, which is of insignificant value to the ward but which encumbers a marketable title to the estate.

Effective October 24, 1977

CHAPTER 152

AN ACT to Clarify the Banking Code.

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

Sec. 1. 9-B MRSA § 221, sub-§ 1, 1st sentence, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

The superintendent shall examine each financial institution subject to his supervision and regulation at least once in every 18 months, or more frequently as he may determine.

Sec. 2. 9-B MRSA § 339, sub-§ 1, as enacted by PL 1975, c. 500, § 1, is amended by adding at the end the following new sentences to read:

The use of a bank employee to transport deposits from an elementary or secondary school to a financial institution or the use of a bonded carrier to transport a commercial deposit from a corporation's place of business, a state department or agency or a subdivision of the State to an office of a financial institution, whether paid for by the customer or the financial institution, shall not be construed as the establishment or operation of a mobile branch. In the event a bonded carrier is used to transport deposits from a customer's place of business to a financial institution the messenger shall be considered the agent of the customer rather than of the bank. Deposits collected under this arrangement shall not be considered to have been received by the bank until they are actually delivered to the teller at the bank's premises.

Sec. 3. 9-B MRSA § 463, sub-§ 3, as last amended by PL 1975, c. 666, § 22, is further amended to read:

3. **Exception.** The prohibitions contained in subsections 1 and 2 shall not apply to any shares held in a fiduciary capacity by a financial institution; to shares acquired upon a merger or consolidation pursuant to chapter 35; to shares acquired pursuant to chapter 101; to shares lawfully held under the Bank Holding Company Act of 1956, as amended, on the effective date of this Act October 1, 1975; to shares of a financial institution holding company acquired in exchange for shares of a financial institution authorized to do business in this State in a transaction approved by the superintendent pursuant to chapter 101; nor, with respect to shares lawfully held, to shares acquired by way of stock split, stock dividend, exercise of conversion rights, reclassification or recapitalization, provided no nonvoting convertible preferred stock or convertible bonds shall be converted into voting securities without the prior written approval of the superintendent.

Sec. 4. 9-B MRSA § 464, sub-§ 3, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

3. **Purchase of own shares.** Nothing in this section shall be construed as prohibiting an institution, with the prior written approval of the superintendent, from:

A. Redeeming shares of its capital stock of any type pursuant to provisions of its bylaws or articles of incorporation;

B. Purchasing shares of its capital stock of any type for the purpose of reducing its outstanding shares pursuant to provisions of its bylaws or articles of incorporation; or

C. Purchasing shares of any type of its own capital stock or the capital stock of its parent financial institution holding company pursuant to any stock option plan, stock bonus plan or other incentive plan for any or all directors, officers and employees duly adopted by the financing institution's board of directors.

Sec. 5. 9-B MRSA § 465, sub-§ 2, ¶ A, as last repealed and replaced by PL 1975, c. 666, § 23, is amended to read:

A. Except for loans adequately secured by a first mortgage on real estate, a savings deposit, or a certificate of deposit or a share account, or personal loans having an aggregate value of \$5,000 or less, no thrift institution or credit union subject to the laws of this State shall make any loans to its officers or directors and no. No thrift institution shall make a loan to its corporators, officers or directors and no credit union shall make a loan to its officers or directors unless such loans are on the same terms as are generally available to the public or its members.

Sec. 5-A. 9-B MRSA § 535, sub-§ 1, as enacted by PL 1975, c. 500, § 1, is amended to read:

1. **Authorization.** A savings bank may purchase a participation interest in any loan, other than a real estate mortgage loan, originated by a commercial bank authorized to do business in this State, subject to the restrictions set forth in subsections 2 and 3. Participations in real estate mortgage loans shall be pursuant to section 434.

Sec. 6. 9-B MRSA § 538, sub-§ 1, ¶ A, as enacted by PL 1975, c. 500, § 1, is amended to read:

A. Loans secured by a pledge of any share account or deposit book or certificate issued by any financial institution located in the State of Maine United States, or secured by a pledge of a life insurance policy or pledge of any listed securities.

Sec. 7. 9-B MRSA § 732, sub-§ 3, ¶ E, as enacted by PL 1975, c. 500, § 1, is amended to read:

E. Principal payments on any loan may be waived from time to time for good cause by an authorized officer whose action is confirmed by the board of ~~auditors~~ directors;

Effective October 24, 1977

CHAPTER 153

AN ACT Relating to State Liquor Identification Cards.

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

28 MRSA § 1060, 1st ¶, as last amended by PL 1971, c. 622, § 89-B, is further amended by adding after the first sentence the following new sentence:

The application form shall include, directly above the signature line, the following notice to the applicant: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$500 or by both."

Effective October 24, 1977

CHAPTER 154

AN ACT to Establish a Sign on the Maine Turnpike Announcing the Moosehead Lake Region.

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

23 MRSA § 1201, sub-§ 13 is repealed and the following enacted in its place:

13. Moosehead Lake Region. Such sign shall be constructed and maintained on the Maine Turnpike at the first reasonable opportunity northerly from the York exit and shall be worded as follows: