

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
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PUBLIC LAWS
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STATE OF MAINE

AS PASSED AT THE
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CHAPTER 351

H. P. 974 — L. D. 1162

AN ACT to Amend the Campaign Reporting Law.

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

21 MRSA § 1398, first ¶, first sentence, as repealed and replaced by PL 1977, c. 575, § 14, is repealed and the following enacted in its place:

There shall be a penalty of \$10 for each business day, as defined by Title 32, section 4691, subsection 2, that a report required to be filed under this chapter is late.

Effective September 18, 1981

CHAPTER 352

H. P. 998 — L. D. 1221

AN ACT to Simplify the Requirements for the Granting of Permission to Additional Institutions to Use Established Satellite Facilities.

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

Whereas, the Maine Revised Statutes, Title 9-B, governing the establishment of satellite facilities by financial institutions, requires amendment if consumers in Maine are to have ready access to advances in electronic banking which were not foreseen at the time the Maine Banking Code was adopted; and

Whereas, the current uncertainty of the statute is significantly delaying the availability, increasing the cost and restricting the scope of these services to Maine consumers; 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. 9-B MRSA § 131, sub-§ 37, as enacted by PL 1975, c. 500, § 1, is amended to read:

37. Service Corporation. "Service Corporation" means a corporation substantially all the activities of which consist of originating, purchasing, selling and servicing loans and participation interests therein; or clerical, bookkeeping, accounting and statistical or similar functions related to a financial institution or real estate activities; or management, personnel, marketing or investment counseling related to a financial institution or real estate activities; or establishing or operating one or more satellite facilities.

Sec. 2. 9-B MRSA § 144 is enacted to read:

§ 144. Satellite facilities; hours of operation

Any financial institution authorized to do business in this State may provide for the conduct of the business of banking or such other limited functions as it may determine from time to time through one or more satellite facilities without regard to the day of the week or hours of operation of its main office or branches. Any act performed at that facility during the time that its main office is closed shall be presumed to have been performed on the next succeeding business day and no liability or loss of rights of any kind shall result from that delay.

Sec. 3. 9-B MRSA § 334, sub-§ 1, as enacted by PL 1975, c. 500, § 1, is amended to read:

1. Superintendent's approval. A financial institution or a service corporation wholly owned by one or more financial institutions authorized to do business in this State may establish or participate in the establishment of a satellite or off-premise facility, as defined in section 131; provided that no such facility shall be established without prior approval of the superintendent, pursuant to section 336. ~~Such facilities are branches for the purpose of this Title~~

Sec. 4. 9-B MRSA § 334, sub-§ 4, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

4. Use of established facilities by additional institution. Established facilities may be used by additional institutions as follows.

A. Any satellite facility under this chapter shall be made available for use by other financial institutions authorized to do business in this State. Any institution seeking use or discontinuation of use of a satellite facility established under this chapter or comparable facility established under federal law shall obtain prior approval of the superintendent, pursuant to paragraphs B, C and D for such use or discontinuation; and provided that any institution receiving permission to use such facility shall share in the cost thereof.

B. Approval to participate in or discontinue the use of a satellite facility established under this chapter or a comparable facility established under federal law, if any other financial institution has previously been granted authority to use the facility, shall be requested by the financial institution by the filing of a notice with the superintendent in such form and manner and

containing such information as the superintendent may require at least 30 days prior to commencement or discontinuation of that use. A single notification may be filed by more than one institution seeking approval with respect to the same facility or facilities, and a single notification may be filed covering more than one facility. The superintendent may establish fees to accompany notification under this subsection. Section 336, subsection 3, shall govern the establishment, credit and use of these fees. If the superintendent objects to a notification filed under this subsection, he shall, within 14 days of receipt of the notification, inform the financial institution involved that the notification will be treated as though it were an application filed under paragraph C.

C. Initial approval for a financial institution to participate in the use of a facility established under federal law shall be requested by the institution by filing an application with the superintendent in such form and manner and containing such information as the superintendent requires. The superintendent may develop an application process which permits the filing of an application, to be supplemented at the request of the superintendent, and a fee which may be supplemented in the event of a hearing. A single application may be filed by more than one institution seeking approval with respect to the same facility or facilities, and a single application may be filed covering more than one facility. Except as otherwise provided in this subsection, section 336, subsection 3, governs the establishment, credit and use of fees for application.

D. The superintendent shall approve or disapprove an application filed pursuant to paragraph C or a notification filed pursuant to paragraph B and deemed by the superintendent to be governed by paragraph C in accordance with the requirements of section 252. The superintendent may condition approval of an application or notification to conform with the criteria set forth in section 253 or, in the event there is no hearing under section 252, those criteria set forth in section 253 to the extent the superintendent deems such criteria relevant.

E. The superintendent shall not approve the establishment of any satellite facility or the use by any financial institution of any satellite facility or comparable facility established under federal law, unless the superintendent finds that all financial institutions using the facility will have equal access to the facility. In determining whether equal access to a facility exists, the superintendent shall consider factors, including, but not limited to area for promotional displays, banking services to be rendered and, after the first 90 days of operation of the facility, staffing arrangements.

Sec. 5. 17 MRSA § 3204, 2nd ¶, as amended by PL 1977, c. 284, § 3, is further amended to read:

This section shall not apply to: The operation or maintenance of common, contract and private carriers; taxicabs; airplanes; newspapers; radio and television stations; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle service stations; retail monument

dealers; automatic laundries; machines that vend anything of value, including, but not limited to, a product, money or service; **a satellite facility approved by the Superintendent of the Bureau of Banking under Title 9-B; or comparable facility approved by the appropriate federal authority;** pharmacies; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operations, including, but not limited to pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; motion picture theatres; public dancing; sports and athletic events; bowling alleys; displaying or exploding fireworks, under Title 8, chapter 9; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate salesmen; mobile home brokers and mobile home salesmen; provided that this section shall not exempt the businesses or facilities specified in sections 3205, 3206 and 3207 from closing in any municipality until the requirements of those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 29, 1981

CHAPTER 353

S. P. 480 — L. D. 1363

AN ACT Concerning Energy Efficiency in Buildings Financed with Public Funds.

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

Sec. 1. 5 MRSA § 1762, as reenacted by PL 1977, c. 563, § 2, is repealed and the following enacted in its place:

§ 1762. **No facility constructed without life-cycle costs**

No public improvement, as defined in this chapter, public school facility or other building or addition constructed or substantially renovated in whole or in part with public funds or using public loan guarantees, with an area in excess of 5,000 square feet, may be constructed without having secured from the designer a proper evaluation of life-cycle costs, as computed by a qualified architect or engineer. The requirements of this section with respect to substantial renovation