

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

1985

in the past which have conformed with all rules shall be given preference in the issuance of permits.

The fee for a permit shall be \$10.

Effective September 19, 1985.

CHAPTER 235

H.P. 793 - L.D. 1123

AN ACT to Require Full Disclosure by Financial Planners.

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

32 MRSA c. 99 is enacted to read:

CHAPTER 99

FINANCIAL PLANNERS

§9751. Declaration of purpose

It is the purpose of this chapter to assure that when a financial planner makes a recommendation to a consumer on investment of financial resources, the planner makes full disclosure of any financial interest he may have in recommending certain investments. A consumer can make truly informed investment decisions only if he has full information on the planner's biases and interests.

§9752. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Consumer. "Consumer" means an individual.

2. Financial planner. "Financial planner" means a person who provides a variety of services, principally advisory in nature, to consumers with respect to management of financial resources based upon an analysis of individual consumer needs.

"Financial planner" includes, but is not limited to, those persons who designate themselves financial ana-

lysts, advisors, consultants or planners, financial management advisors, securities or investment analysts, estate planners or other such terms.

"Financial planner" does not include employees of financial institutions authorized to do business in this State, as defined in Title 9-B, section 131, subsection 17-A.

3. Person. "Person" means any individual, partnership, unincorporated organization, corporation or any employee or agent of a partnership, unincorporated organization or corporation.

§9753. Disclosure required

If a person represents himself as a financial planner recommends that a consumer invest financial resources in an investment and the financial planner has any direct or indirect interest in that investment or has any potential of direct or indirect financial gain if the consumer invests his resources in that investment, then the financial planner shall fully disclose to the consumer the existence of that interest or potential gain. This duty to disclose extends to commissions, fees, referral fees or other compensation the financial planner may receive if the consumer makes the investment.

§9754. Enforcement

Any person who violates this chapter commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged in the case of a first violation and a forfeiture not to exceed \$500 may be adjudged in the case of 2nd and subsequent violations.

Effective September 19, 1985.

CHAPTER 236

S.P. 365 - L.D. 985

AN ACT Concerning Commercial Fishing and
Maritime Activity Zones.

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

12 MRSA §4818 is enacted to read: