

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

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

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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Sec. 4. Effective date. This Act shall become effective on January 1, 1987.

Effective January 1, 1987.

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## CHAPTER 576

H.P. 1376 - L.D. 1939

### AN ACT to Equalize the State Tipping Minimum Wage and the Federal Tipping Minimum Wage.

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

26 MRSA §664, 2nd ¶, as amended by PL 1971, c. 620, §13, is further amended to read:

In determining the wage of a service employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50% of the applicable minimum wage rate \$1.54 in 1986, and \$1.64 beginning on January 1, 1987, except that in the case of an employee who, either himself or acting through his representative, shows to the satisfaction of the director that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

Effective July 16, 1986.

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## CHAPTER 577

H.P. 1458 - L.D. 2055

### AN ACT to Permit Mobile Banking in Rural Maine.

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

9-B MRSA §339, as amended by PL 1979, c. 429, §8, is repealed and the following enacted in its place:

§339. Mobile branches and branches in other states

1. Mobile branches. In addition to permanent branches or agencies established pursuant to this chapter, a financial institution may establish and operate one or more mobile branches, as defined in section 131, as limited by this section. A mobile branch may not operate in any city or town in which there is a permanent branch location; nor may it be located within 10-road miles of another branch or main office of any financial institution. An application for approval of a mobile branch must be filed with the superintendent. This application shall specifically address:

A. The decision-making criteria found in section 252;

B. Additional security measures essential to maintaining a mobile unit;

C. The services to be offered at the mobile unit, which shall include such activities as: Teller services; taking personal loan applications; selling travelers checks or money orders; opening new accounts; and financial counseling to the extent that these services are offered at any other branch office of the applicant; and

D. Any additional information the superintendent requires.

If more than one financial institution apply for a mobile branch site in a given community, city or town, preference shall be given to the financial institution or institutions which have traditionally served the financial needs of the citizens and businesses in the community and have permanent facilities in close proximity. The superintendent may promulgate regulations regarding the operation of a mobile branch. Approval to operate a mobile branch shall not be granted prior to January 1, 1987.

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 customer'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 in-

stitution, shall not be construed as the establish-  
ment 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 institu-  
tion the messenger shall be considered the agent of  
the customer rather than of the bank. Deposits col-  
lected under this arrangement shall not be considered  
to have been received by the bank until they are ac-  
tually delivered to the teller at the bank's  
premises.

2. Branches in other states.

A. Nothing contained in this Title may be con-  
strued as permitting a financial institution to  
establish a branch office or facility in any  
state other than the State of Maine, and no fi-  
nancial institution not authorized to do business  
in this State may establish or operate a branch  
office or facility in the State of Maine.

B. The operation of such a branch office or fa-  
cility by such financial institution or institu-  
tions is expressly prohibited by this section.

Effective July 16, 1986.

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## CHAPTER 578

H.P. 1273 - L.D. 1790

AN ACT to Amend the Maine Agricultural  
Marketing and Bargaining Act of 1973.

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

Whereas, the bargaining process between agricul-  
tural producers and processors of agricultural  
products must occur within a structured framework  
with dates specified for negotiating contracts; and

Whereas, the broiler industry is currently nego-  
tiating a new contract with a major processor under  
terms which are affected by these amendments to the  
Maine Agricultural Marketing and Bargaining Act of  
1973; and

Whereas, it is imperative to insure that condi-  
tions support the negotiation of contracts which