

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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Sec. 1. 9-B MRSA §1013, sub-§2, as amended by PL 1983, c. 597, §2, is further amended to read:

2. Acquisition by out-of-state company. A non-Maine financial institution holding company or a company which will become a financial institution holding company as a result of that acquisition or establishment may establish or acquire control of one or more Maine financial institutions or Maine financial institution holding companies with the prior approval of the superintendent.

Sec. 2. 9-B MRSA §1014, sub-§1, as enacted by PL 1975, c. 500, §1, is amended to read:

1. Permissible activities. A Maine financial institution holding company shall not engage in any activity other than managing or controlling financial institutions, except such activities as are deemed permissible by the superintendent. The superintendent shall promulgate regulations adopt rules specifying which other activities that are permissible under either the Bank Holding Company Act of 1956 or section 408 of the National Housing Act shall be permissible for Maine financial institution holding companies activities are permissible. Except to the extent that certain activities are prohibited or limited by state law, these rules shall authorize activities which are no more restrictive than those permitted under the United States Bank Holding Company Act of 1956, Public Law 511, or the United States National Housing Act, Public Law 479, Section 408. Such regulations Those rules may establish different permissible activities dependent upon the type of financial institutions controlled by a Maine financial institution holding company. The superintendent shall establish procedures for applications by individual companies for approval to engage in such those activities in Maine.

Sec. 3. 9-B MRSA §1015, sub-§2, as amended by PL 1983, c. 302, §5, is further amended to read:

2. Criteria for approval. Applications for approvals required in subsection 1 shall be filed pursuant to procedures established by the superintendent. Action on such those applications shall be taken in accordance with the requirements of section 252 and shall be subject to the standards set forth in section 253. An application filed by a non-Maine financial institution holding company for the acquisition or establishment of a Maine financial institution or Maine financial institution holding company is subject to the additional requirement that the superintendent find that the proposal would bring net new funds into the State. An application by a Maine financial institution holding company to acquire or establish an out-of-state financial institution or financial institution holding company is subject to the additional requirement that the superintendent find that deposits of citizens and businesses of this State, held in the holding company's Maine subsidiaries, will continue to be invested in Maine loans and investments in a manner consistent with the company's historical performance and current economic conditions. Such a transaction is subject to the requirements of section 1013, subsection 3, paragraph A, and

the superintendent may require the application to contain some or all of the information required in section 1013, subsection 4.

Sec. 4. 9-B MRSA §1019-A is enacted to read:

§1019-A. Notification of superintendent

A Maine financial institution holding company shall notify the superintendent at least 10 business days before issuing preferred stock or capital notes or debentures with an original maturity of 3 years or greater. A copy of any United States Securities and Exchange Commission filings, private placement memoranda or other documents describing the proposed issue to potential investors shall be provided with that notification.

Effective September 29, 1987.

CHAPTER 91

S.P. 399 — L.D. 1239

AN ACT to Require State Compliance with Municipal Ordinances.

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

5 MRSA §1742-B, first ¶, as enacted by PL 1985, c. 625, is repealed and the following enacted in its place:

If a municipality files with the Bureau of Public Improvements a notice of intent to review and issue building permits on state construction projects and public improvements, such projects and improvements to state-owned or leased buildings shall comply with municipal ordinances governing the construction and alteration of buildings, provided that the municipal building code standards are as stringent as, or more stringent than, the code for state buildings. Prior to requesting bids, the bureau shall obtain or it shall require the project designer to obtain municipal approval of the project plans and specifications. Contractors and subcontractors shall obtain all necessary municipal building permits and the project shall be subject to municipal inspections.

Effective September 29, 1987.

CHAPTER 92

H.P. 348 — L.D. 447

AN ACT Relating to Legal Status of Partnerships.

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

Sec. 1. 31 MRSA §160-A is enacted to read:

§160-A. Limited partnership as entity

A limited partnership may sue and be sued in its own name.

Sec. 2. 31 MRSA §290-A is enacted to read:

§290-A. Partnership as entity

A partnership may sue and be sued in its own name.

Effective September 29, 1987.

CHAPTER 93

H.P. 773 — L.D. 1036

**AN ACT to Amend the Election Laws Regarding
Persons Incarcerated in Correctional
Facilities.**

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

21-A MRSA §112, sub-§14 is enacted to read:

14. Persons incarcerated in correctional facilities. The residence of a person incarcerated in a correctional facility, as defined in Title 34-A, section 1001, does not include the municipality where a person is incarcerated unless the person had resided in that municipality prior to incarceration.

A person incarcerated in a correctional facility may apply to register to vote in any municipality where that person has previously had a fixed habitation and to which he intends to return.

Effective September 29, 1987.

CHAPTER 94

H.P. 113 — L.D. 138

**AN ACT Clarifying Municipal Home Rule
Authority as it Relates to Shoreland Areas.**

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

Sec. 1. 38 MRSA §435, 3rd ¶, as enacted by PL 1985, c. 737, Pt. A, §110, is amended to read:

Notwithstanding Pursuant to municipal home rule authority and notwithstanding the definition of shoreland areas in this section, the jurisdiction of municipal shoreland zoning ordinances may include any structure built on, over or abutting a dock, wharf, pier or other structure extending beyond the normal high water mark

of a water body. Municipalities may enact restrictions on that structure. Nothing in this paragraph may be construed to permit a municipality to regulate, under this chapter, a structure which is located more than 250 feet above the normal high water mark.

Sec. 2. 38 MRSA §435, as amended by PL 1985, c. 737, Pt. A, §110, is further amended by adding at the end a new paragraph to read:

All existing municipal ordinances dealing with the subjects of this section currently in effect and operation on April 18, 1986, are declared to be valid and shall continue in effect until rescinded, amended or changed according to municipal ordinance, charter or state law.

Effective September 29, 1987.

CHAPTER 95

S.P. 412 — L.D. 1270

**AN ACT to Amend the Requirements for
Individual Public Self-insurers under
the Workers' Compensation Act.**

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

Sec. 1. 39 MRSA §23, sub-§2, as amended by PL 1985, c. 779, §85, is further amended to read:

2. Proof of solvency and financial ability to pay; trust. By furnishing satisfactory proof to the Superintendent of Insurance of his solvency and financial ability to pay the compensation and benefits, and deposit cash, satisfactory securities or a security bond, with the Workers' Compensation Commission, in such sum as the superintendent may determine pursuant to subsection 6; such bond to run to the Treasurer of State and his successor in office, and to be conditional upon the faithful performance of this Act relating to the payment of compensation and benefits to any injured employee. In case of cash being deposited, it shall be placed at interest by the Treasurer of State, and the accumulation of interest on said cash or securities so deposited shall be paid to the employer depositing the same. The superintendent may at any time, upon not less than 3 days notice and following hearing, for cause deny to an employer the right to continue in the exercise of the option granted by this section.

As an alternative to the method described in the first paragraph of this subsection, an eligible employer may establish an actuarially funded trust, funded at a level sufficient to discharge those obligations incurred by the employer pursuant to this Act as they become due and payable from time to time, provided that the value of trust assets shall be at least equal to the present value of such incurred claims. The trust asset shall consist of cash or marketable securities of a type and risk charac-