

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
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of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

report filed under this Act for property that was not required to be reported before the effective date of this Act but which is subject to this Act must include all items of property that would have been presumed abandoned during the 10-year period preceding the effective date of this Act as if this Act had been in effect during that period.

§1872. Rules

The administrator may adopt necessary rules to carry out this Act.

§1873. Uniformity of application and construction

This Act shall be applied and construed as to effectuate its general purpose to make the law uniform with respect to the subject of this Act among states enacting it.

§1874. Agreements with other states

The administrator may enter into agreements with other states for administering this chapter, provided the Attorney General has approved the agreements as to its legality.

§1875. Retention of tangible property with historic value

1. Historic significance. The administrator may retain any tangible property delivered to him, if the property has exceptional historic significance. The historic significance shall be certified by the administrator with the advice from the State Historian, State Archivist and the Director of the State Museum. A statement of the appraised value of the property shall be filed with the certification. Historic property retained under this subsection may be stored and displayed at the Maine State Museum, the Maine State Library or other suitable locations.

2. Owner's property rights. Nothing in this section affects the right of the owner to recover the property or its value.

Effective August 4, 1988.

CHAPTER 692

H.P. 1827 — L.D. 2503

AN ACT to Amend the Maine Banking Code.

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

Whereas, there may exist in Maine law a loophole that would permit out-of-state financial institutions to establish deposit production offices in Maine, whose primary

purpose would be to solicit and accept deposits on behalf of an out-of-state organization that is not otherwise authorized to conduct banking business in this State; and

Whereas, establishing satellite facilities to solicit deposits for out-of-state financial institutions with no commitment to reinvest that money in Maine could create a considerable outflow of capital and is in direct contravention to the Net New Funds provision of Maine's interstate banking laws; 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-§18-A is enacted to read:

18-A. Financial institutions not authorized to do business in this State. "Financial institutions not authorized to do business in this State" means any person engaged in the business of banking that does not satisfy the definition of "authorized to do business in this State" found in subsection 2.

Sec. 2. 9-B MRSA §131, sub-§35, as enacted by PL 1975, c. 500, §1, is amended to read:

35. Satellite facility. "Satellite facility" or "off-premise facility" means any facility or electronic terminal or facility at which an existing financial institution customer may initiate banking transactions including, but not limited to, cash deposits to and withdrawals from his account, cash advances on a preauthorized credit line, transfers between his checking and savings account or payment transfers from his account to accounts of other financial institution customers. Such a facility is not part of a main office or branch office of a financial institution. Such an off-premise facility may be part of an electronic funds transfer system. Satellite facilities or off-premise facilities include facilities engaged in soliciting, receiving or accepting money or its equivalent on deposit from new and existing customers. The term satellite facilities or off-premise facilities does not include an office or facility engaged solely in the solicitation and origination of loans.

Sec. 3. 9-B MRSA §339, sub-§2, as repealed and replaced by PL 1985, c. 577, is repealed.

Sec. 4. 9-B MRSA §339-A is enacted to read:

§339-A. Prohibited branches and satellite facilities

1. Branches in other states. Branches are prohibited according to this subsection.

A. Nothing contained in this Title may be construed as permitting a financial institution to establish a branch office or facility in any state other than this State and no financial institution not authorized to do business in this State may establish or operate a branch office or facility in this State.

B. The operation of such a branch office or facility by such a financial institution or institutions is expressly prohibited by this section.

2. Satellite facilities. Satellite facilities operated by financial institutions not authorized to do business in this State are prohibited according to this subsection.

A. The direct or indirect operation or ownership of a satellite facility by an institution not authorized to do business in this State is expressly prohibited.

B. This prohibition does not apply to the electronic connection or networking of electronic terminals, automated teller machines or other similar devices owned or operated by a financial institution authorized to do business in this State with similar electronic systems owned or operated by financial institutions not authorized to do business in this State and located outside of this State.

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

Effective April 7, 1988.

CHAPTER 693

H.P. 1824 — L.D. 2499

AN ACT to Add the Commissioner of Labor as an Ex Officio Member of the Board of Trustees of the Vocational-Technical Institute System.

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

20-A MRSA §12705, sub-§1, as amended by PL 1987, c. 534, Pt. B, §§12 and 23, is further amended to read:

1. **Membership.** The board of trustees shall consist of 9 appointed voting members and 2 3 ex officio, voting members as follows:

- A. One from the State Board of Education;
- B. One from the Board of Trustees of the University of Maine System;
- C. Seven from the field of business and industry, the field of labor, the field of education and the general public;
- D. The Commissioner of Educational and Cultural

Services, or ~~his~~ the commissioner's successor, who shall serve ex officio; ~~and~~

E. The Commissioner of Economic and Community Development, or ~~his~~ the commissioner's successor, who shall serve ex officio; and

F. The Commissioner of Labor, or the commissioner's successor, who shall serve ex officio.

Effective August 4, 1988.

CHAPTER 694

H.P. 1458 — L.D. 1969

AN ACT to Make Changes in Marine Resources Laws.

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

Sec. 1. 12 MRSA §6024, sub-§1, as amended by PL 1985, c. 481, Pt. A, §35, is further amended to read:

1. **Appointment; composition; term; compensation.** The advisory council, established by Title 5, section 12004, subsection 10, shall consist of 9 members. One member shall be the chairman of the Lobster Advisory Council, ex officio. Each other member shall be appointed by the Governor and shall be subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. Eight Seven of the appointed members shall be selected from persons directly engaged in commercial activities or industries based on marine resources, and one of the appointed members shall be selected from persons who represent recreational fishing interests. The composition of the council shall adequately represent the commercial fisheries' activities over which the department has jurisdiction and shall also reflect a geographical distribution along the coast. All appointed members shall be appointed for a term of 3 years, except a vacancy shall be filled in the same manner as an original for the unexpired portion of the term. No member may serve more than 2 consecutive terms at any one time. Members shall serve until their successors are appointed. Members shall be compensated as provided in Title 5, chapter 379.

Sec. 2. 12 MRSA §6141, sub-§5, as enacted by PL 1985, c. 677, §1, is amended to read:

5. **Report.** The commissioner shall prepare an annual report to the Legislature setting out the accomplishments of the previous year and an updated, 5-year research plan for future activities with proposed budget requirements. The report shall be reviewed by the Lobster Advisory Council prior to submission to the Legislature. The report shall be submitted to the joint