

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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

**Whereas,** the laws governing mergers and consolidations of state-chartered credit unions require lengthy procedures that inhibit the expediency with which some mergers can be accomplished; and

**Whereas,** volatile economic conditions adversely impact the financial industry and may warrant immediate action by the Superintendent of Banking to merge or consolidate troubled credit unions in order to protect members or the public; and

**Whereas,** the federal regulatory agencies presently have the authority to act on merger, consolidation or acquisition plans in an expeditious manner; the superintendent should have the authority to act in the same expeditious manner when providing concurrent regulatory action; 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:**

**9-B MRSA §872-A** is enacted to read:

**§872-A. Authority for expedited mergers, consolidations and acquisitions**

Notwithstanding any other provision of law, or any charter, certificate of organization, articles of association, articles of incorporation or bylaw of any participating credit union, the superintendent may authorize a merger or consolidation of 2 or more credit unions or may authorize a credit union to purchase any of the assets of, or assume any of the liabilities of, any other credit union following approval of a plan of merger, consolidation or acquisition by a majority vote of the boards of directors of the participating credit unions and upon receipt by the superintendent of certified copies of the authorizing resolutions adopted by the respective boards of directors. That merger, consolidation or acquisition shall become effective immediately if the superintendent believes that the action is necessary for the protection of members of the credit union or the public. Any person aggrieved by a merger, consolidation or acquisition pursuant to this section is entitled to judicial review of the superintendent's order in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.

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

Effective March 7, 1990.

## CHAPTER 647

S.P. 798 - L.D. 2046

### An Act to Clarify the Rule-making Authority of the Maine Historic Preservation Commission

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

**Sec. 1. 27 MRSA §504, sub-§2-A** is enacted to read:

2-A. Rules. The Maine Historic Preservation Commission may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375 to implement this section.

**Sec. 2. 27 MRSA §505, sub-§2, ¶A,** as enacted by PL 1979, c. 21, is amended to read:

A. The Maine Historic Preservation Commission ~~shall be~~ is under the management and supervision of a director who ~~shall make rules and regulations for the proper management of the bureau~~ may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this section, subject to the approval of the Commissioner of Educational and Cultural Services.

**Sec. 3. 27 MRSA §509,** as repealed and replaced by PL 1979, c. 21, is amended to read:

**§509. Compliance with federal law**

The State Historic Preservation Officer may adopt ~~any regulation necessary~~ rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to enable the State to comply with any law of the United States intended to promote public historic preservation services. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for programs related to the purposes of the Maine Historic Preservation Commission.

See title page for effective date.

## CHAPTER 648

H.P. 1424 - L.D. 1976

### An Act to Codify the Creation of the Bureau of Safety and Change Its Name to the Bureau of Highway Safety

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

**Sec. 1. 5 MRSA §948, sub-§1, ¶H,** as amended by PL 1987, c. 666, §3, is further amended to read: