

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1990

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

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:

H. Director, Bureau of Highway Safety;

Sec. 2. 25 MRSA §2901, as repealed and replaced by PL 1987, c. 769, Pt. A, §103, is amended to read:

§2901. Department; commissioner

There is created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State, to consist of the Commissioner of Public Safety, in this chapter called "commissioner," who shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as created and established: the Bureau of State Police, the Bureau of Liquor Enforcement, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Maine Highway Safety Commission, the Bureau of Highway Safety and the Bureau of Intergovernmental Drug Enforcement.

Sec. 3. 25 MRSA §2902, sub-§4, as amended by PL 1989, c. 503, Pt. B, §106, is further amended to read:

4. Maine Highway Safety Commission. The Maine Highway Safety Commission, as authorized by Title 5, section 12004-I, subsection 83, which shall be under the direction of the Commissioner of Public Safety and advisory to the Governor. The commission shall consist of not more than 25 members selected by the Governor from state, civic and industrial organizations and individuals with interests relating to highway safety. The Commissioner of Public Safety, the Commissioner of Transportation, the Commissioner of Human Services and the Commissioner of Educational and Cultural Services, the Secretary of State and the Attorney General shall serve as ex officio members. The ex officio members shall appoint persons in major policy-influencing positions as their designees to represent them at meetings of the commission with voting privileges. The commission members shall serve at the pleasure of the Governor and shall be compensated in accordance with Title 5, chapter 379. The commission shall stimulate active support for highway safety measures and programs and shall advise the Department of Public Safety regarding these issues. The commission shall annually report its findings and recommendations, including any necessary implementing legislation, to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government; ~~and~~

Sec. 4. 25 MRSA §2902, sub-§6, as amended by PL 1987, c. 666, §5, is further amended to read:

6. Bureau of Intergovernmental Drug Enforcement. The Bureau of Intergovernmental Drug Enforcement, which shall be under the direction of the Director of the Bureau of Intergovernmental Drug Enforcement; and

Sec. 5. 25 MRSA §2902, sub-§7 is enacted to read:

7. Bureau of Highway Safety. The Bureau of Highway Safety which shall be under the direction of the Director of the Bureau of Highway Safety. The bureau is responsible for the State's highway safety program. The bureau is authorized to develop and implement a process for obtaining information about highway safety programs administered by other state and local agencies and to provide and facilitate the provision of financial and technical assistance to other state agencies and political subdivisions for the purpose of developing and carrying out highway safety programs.

See title page for effective date.

CHAPTER 649

S.P. 881 - L.D. 2251

An Act to Provide for Wider Production of Certain Deer for Food

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

Sec. 1. 7 MRSA §1331, sub-§1, ¶A, as enacted by PL 1987, c. 685, §1, is amended to read:

A. "Domesticated deer" means fallow deer, family Cervidae, sub-family Cervinae, genus Dama; red deer, family Cervidae, sub-family Cervinae, genus Cervus, species Elaphus; and any other species specified under subsection 1-A, kept as domestic animals for the purpose of either breeding stock or for sale as food.

Sec. 2. 7 MRSA §1331, sub-§1-A is enacted to read:

1-A. Specification of species. The commissioner may, by rule, specify other species of deer as domesticated deer. Additional species may be specified only with the written concurrence of the Commissioner of Inland Fisheries and Wildlife.

See title page for effective date.

CHAPTER 650

S.P. 814 - L.D. 2078

An Act to Prevent Retaliatory Evictions of Mobile Park Tenants

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

10 MRSA §9097, sub-§1-A is enacted to read: