

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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**  
**1993**

the violation, practice or breach of fiduciary duty;

C. The violation, practice or breach of fiduciary duty described in paragraph A involves personal dishonesty on the part of the officer or director or demonstrates willful or continuing disregard by the officer or director for the safety or soundness of the financial institution; and

D. In the opinion of the superintendent, that officer or director has evidenced personal dishonesty and unfitness to continue as an officer or director of the financial institution by conduct with respect to another business entity that resulted, or is likely to result, in substantial financial loss or other damage.

**Sec. 3. 9-B MRSA §368-A** is enacted to read:

**§368-A. Federal Deposit Insurance Corporation; acquisition of stock**

The superintendent may waive the provisions of section 314; section 315, subsection 4; section 1013; and section 1015 when common or preferred stock, including stock warrants or stock rights for common or preferred stock, is issued to or acquired by the Federal Deposit Insurance Corporation in settlement of any liability, fixed or contingent, of a financial institution to the Federal Deposit Insurance Corporation or in connection with the insolvency or liquidation of the financial institution.

**Sec. 4. 9-B MRSA §1018**, as enacted by PL 1975, c. 500, §1, is amended to read:

**§1018. Exclusion**

The superintendent may promulgate regulations ~~excluding~~ exclude financial institution holding companies or other companies from the provisions of this chapter, under conditions comparable to those provided in either the Bank Holding Company Act of 1956 or section 408 of the National Housing Act, where when control of a Maine financial institution arises out of the acquisition of shares in a fiduciary capacity, or in connection with an underwriting of securities or proxy solicitation, or in securing or collecting a debt. When control of a Maine financial institution arises in connection with securing or collecting a debt, the acquiring institution or company may be excluded from the provisions of this chapter if the acquiring institution or company divests the securities within 2 years of acquisition. The superintendent may grant requests for up to 3 one-year extensions.

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

Effective March 25, 1994.

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**CHAPTER 539**

**H.P. 1280 - L.D. 1728**

**An Act to Establish Retirement Equity for Full-time Adult Education Teachers**

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

**Sec. 1. 5 MRSA §17762**, as amended by PL 1989, c. 700, Pt. A, §25, is repealed.

**Sec. 2. Application.** This Act applies to any qualifying teacher who was eligible for retirement on or after January 1, 1993.

See title page for effective date.

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**CHAPTER 540**

**S.P. 678 - L.D. 1858**

**An Act to Streamline the Department of Transportation's Permitting Procedure for Aboveground Facilities**

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

**Sec. 1. 35-A MRSA §2503, sub-§16**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**16. Rules.** The Department of Transportation may adopt reasonable rules to administer this section. These rules may include procedures for application and issue of permits and the conduct of hearings.

The department may adopt rules authorizing public utilities to install facilities on or over the surface of public ways for which the department is the licensing authority. The rules must set forth the following:

A. General terms and conditions regarding the location of the facilities; and

B. Reasonable requirements determined necessary to protect public safety and to permit unobstructed public travel along the affected public way.

Utilities installing facilities in accordance with these rules are not required to receive a separate written location permit as required by section 2501, subsection 2. Facilities installed in accordance with the rules are legal structures and are deemed installed pursuant to a written location permit.

See title page for effective date.

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## CHAPTER 541

H.P. 635 - L.D. 866

### **An Act to Allow the State to Enter into an Agreement with the State of South Carolina Concerning the Disposal of Low-level Radioactive Waste**

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

**Whereas**, the State is currently engaged in negotiations with the State of South Carolina for an agreement to allow the transfer of low-level radioactive waste to that state on a short-term basis; and

**Whereas**, that agreement needs to be concluded as soon as possible and as voter ratification of that agreement would delay finalization of such an agreement and as that delay may preclude such an agreement entirely; and

**Whereas**, the ratification provisions of current law were enacted in contemplation of voter ratification of a long-term agreement and are inappropriate for short-term agreements; 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. 38 MRSA §1474, sub-§2**, as enacted by PL 1985, c. 705, §3, is amended to read:

**2. Ratification.** Any Except for an agreement with the Southeast Compact Commission for acceptance through June 30, 1994 of low-level radioactive waste generated by and on the premises of any facility of the United States Navy in Kittery, Maine, any compact or agreement with any other state or states or the Federal Government for low-level waste disposal

must be ratified by legislative act and, in accordance with subchapter IV, by the voters of the State.

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

Effective March 30, 1994.

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## CHAPTER 542

S.P. 551 - L.D. 1575

### **An Act to Amend Certain Provisions of Law Pertaining to Brewers' Licenses**

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

**Sec. 1. 28-A MRSA §1355, sub-§1-A, ¶C**, as repealed and replaced by PL 1987, c. 623, §15, is amended to read:

C. The holder of a brewery license may sell on the brewery premises during regular business hours to nonlicensees only a specialty package of malt liquor produced at the brewery, ~~the~~ the volume of ~~which is the specialty package may not to exceed one gallon, to 5 liters and must~~ be consumed off the premises.

**Sec. 2. 28-A MRSA §1355, sub-§1-A, ¶E**, as repealed and replaced by PL 1987, c. 623, §15, is amended to read:

E. The holder of a brewery license may be issued one license under chapter 43 per brewery location for the sale of liquor to be consumed on the premises ~~for a location other than at~~ the brewery.

(1) The retail license must be held exclusively by the holder of the brewery license.

(2) This retail license authorizes the sale of products of the brewery, other than the specialty package under paragraph C, in addition to other liquor permitted to be sold under the retail license, to be consumed on the premises.

(3) Notwithstanding section 1361, the brewery licensee may sell products of the brewery directly to the retail licensee under this paragraph without selling to a wholesale licensee. The brewery licensee shall keep and maintain complete records on all sales to the retail licensee.