

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

Sec. 2. 5 MRSA §4592, as amended by PL 1995, c. 393, §§22 to 24, is further amended by adding a new first paragraph to read:

This section does not require an entity to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that entity when the individual poses a direct threat to the health or safety of others. For the purposes of this section, the term "direct threat" means a significant risk to the health or safety of others that can not be eliminated by a modification of policies, practices or procedures or by the provision of auxiliary aids or services.

Sec. 3. Retroactivity. This Act applies retroactively to September 29, 1995.

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

Effective February 22, 1996

CHAPTER 512

H.P. 1184 - L.D. 1622

An Act to Promote Parity Between State and Federally Chartered Credit Unions

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

Sec. 1. 9-B MRSA §827, as repealed and replaced by PL 1983, c. 51, §2, is amended to read:

§827. Accounts

1. Receipt of savings. A credit union may receive savings of its members in payment for shares, Christmas clubs, special purpose clubs, tax clubs, deposit accounts and the like.

2. Receipt of payments from government agencies. A credit union may act as fiscal agent for and receive payments on shares and deposits from the Federal Government, this State or any agency or political subdivision.

3. Lien on shares. A credit union may impress and enforce a lien on the shares and dividends of a member to the extent of any loan made to and any dues or charges payable by that member.

Sec. 2. 9-B MRSA §846, sub-§2, as enacted by PL 1975, c. 500, §1, is amended to read:

2. Voting. ~~No~~ A member ~~shall~~ may not be entitled to vote by proxy, except in a vote for dissolution, or have more than one vote; and a member under the age of 18 ~~shall not~~ may be entitled to vote, subject to conditions prescribed in the bylaws. A fraternal organization, voluntary association, partnership or corporation having membership in a credit union may cast one vote at any of the meetings of the credit union by a duly delegated agent.

Sec. 3. 9-B MRSA §857-A, sub-§1, as amended by PL 1987, c. 405, §31, is further amended to read:

1. Authorization; limitations. Subject to the limitations set forth in sections 854 and 855, the credit committee of a credit union may approve a line of credit to a member upon written application by the member, and advances may be made to that member within the limits of that extension of credit. A line of credit given pursuant to this section, ~~other than a line of credit secured by real estate, shall expire no later than 12 months after its approval unless renewed in the same manner in which it was originally given, but no additional loan applications shall be required from the member so long as the aggregate obligation outstanding at any time does not exceed the specified limit of that extension of credit must be reviewed periodically by a loan officer or the credit committee in accordance with the policy established under section 854.~~

Sec. 4. 9-B MRSA §862, sub-§5, as enacted by PL 1991, c. 386, §24, is amended to read:

5. Federal Home Loan Bank and National Credit Union Administration Central Liquidity Facility membership. A credit union may become a member and stockholder ~~in a Federal Home Loan Bank within the Federal Home Loan Bank district where that credit union is situated.~~ of the following:

A. A Federal Home Loan Bank within the Federal Home Loan Bank district where that credit union is located; and

B. The National Credit Union Administration Central Liquidity Facility, subject to the conditions and limitations prescribed under the Federal Credit Union Act, 12 United States Code, Sections 1751 to 1795k (1988).

Sec. 5. 9-B MRSA §862, last ¶, as amended by PL 1991, c. 386, §25, is further amended to read:

~~Nothing contained in this~~ This section may not be construed as authorizing to authorize a credit union to purchase or invest in the stock of any corporation, except for the purchase of stock in the Federal Home Loan Bank or the National Credit Union Administra-

tion Central Liquidity Facility for purposes of establishing membership in ~~that system~~ those systems.

See title page for effective date.

CHAPTER 513

H.P. 543 - L.D. 739

An Act to Allow Issuance of Duplicate Registrations for Trailers and Semitrailers

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

Sec. 1. 29-A MRSA §511, sub-§4 is enacted to read:

4. Duplicate registrations for trailers and semitrailers. At the time of registration, a person registering a trailer or semitrailer that exceeds 2,000 pounds, in accordance with this section or section 512, may apply for and receive a duplicate registration for an additional \$2 fee. This subsection does not apply to camp trailers.

See title page for effective date.

CHAPTER 514

S.P. 619 - L.D. 1624

An Act to Update and Clarify the Corporate Laws

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

Sec. 1. 13-A MRSA §1106, sub-§2, as enacted by PL 1971, c. 439, §1, is repealed and the following enacted in its place:

2. The corporation shall notify immediately the State Tax Assessor and each known creditor of the corporation of the filing of the statement of intent to dissolve;

Sec. 2. 13-B MRSA §301, sub-§3, as amended by PL 1979, c. 663, §72, is further amended to read:

3. Grants. Any corporation may grant to any domestic business or nonprofit corporation or any foreign business or nonprofit corporation authorized to carry on activities in this State, or to any person, by executing and filing with the Secretary of State as provided in sections 104 and 106 proof of a resolution of its board of directors making ~~such a~~ grant, the

exclusive right ~~thereafter~~ after the making of a grant to authorize the use of a name similar to that of the granting corporation by any other corporation or corporations, or person for use as a name or as a ~~trade mark trademark~~ or service mark as defined in Title 10, chapter 301-A. Any such resolution ~~shall be~~ is revocable unless by its terms it is irrevocable. ~~No proof~~ Proof of a subsequent resolution by the board of directors of the granting corporation ~~shall thereafter~~ may not be required under subsection 1, paragraph B, ~~until and~~ unless the granting corporation ~~shall~~, in the case of a revocable resolution, ~~revoke~~ revokes the grant by executing and filing in the manner provided under this section proof of a further resolution of its board of directors revoking the grant.

If proof of a resolution is not appropriate, then the Secretary of State may accept without a filing fee a letter from the entity controlling use of the corporation name or mark in this State. The letter must state that an affiliation exists and must be dated and signed by an officer. The letter must demonstrate how the corporation attempting to file is affiliated with the controlling entity.

Sec. 3. 31 MRSA §406, sub-§2, ¶¶D and E, as enacted by PL 1991, c. 552, §2 and affected by §4, are amended to read:

D. A statement that it is actually ~~engaged in~~ doing business ~~activities~~;

E. A brief statement of the ~~activities~~ business in which it is engaged; and

Sec. 4. 31 MRSA §606, sub-§2, ¶D, as enacted by PL 1993, c. 718, Pt. A, §1, is amended to read:

D. A statement that it is actually ~~engaged in~~ doing business ~~activities~~;

Sec. 5. 31 MRSA §606, sub-§2, ¶E, as amended by PL 1995, c. 458, §20, is further amended to read:

E. A brief statement of the ~~activities~~ business in which it is engaged; and

Sec. 6. 31 MRSA §622, sub-§1, ¶C, as enacted by PL 1993, c. 718, Pt. A, §1, is amended to read:

C. If management of the limited liability company is vested in a manager or managers:

- (1) A statement to that effect;
- (2) The minimum and maximum number of managers permitted; and