

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Sec. 6. 12 MRSA §6535, sub-§§1 and 2, as amended by PL 1995, c. 530, §1, are further amended to read:

1. License required. It is unlawful for a person to operate a boat as a platform for the harvesting of sea urchins and scallops by hand, to act as a diving tender on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand or to possess, ~~strip~~ ship, transport or sell scallops or sea urchins unless that person is licensed under this section, section 6701 or section 6748.

2. Licensed activity. A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand and may possess, ship, transport and sell sea urchins and scallops harvested by licensed harvesters the tender has tended. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops.

Sec. 7. 12 MRSA §6536, sub-§2, as enacted by PL 1995, c. 530, §2, is amended to read:

2. Licensed activity. A person licensed under this section may tend divers who harvest scallops by hand and operate a boat as a platform for the harvesting of scallops by hand and may possess, ship, transport and sell scallops harvested by licensed harvesters the tender has tended. A scallop diving tender license does not authorize the holder to harvest scallops.

Sec. 8. 12 MRSA §6851, as amended by PL 1993, c. 740, §§4 and 5, is further amended by repealing and replacing the headnote to read:

§6851. Wholesale seafood license; wholesale seafood license with lobster permit; wholesale seafood license with urchin permit

Sec. 9. 12 MRSA §6851, sub-§2, ¶A, as amended by PL 1991, c. 523, §3, is further amended to read:

A. Within or beyond the state limits, buy, sell, process, ship or transport any marine species or their parts, except lobsters and sea urchins;

See title page for effective date.

CHAPTER 20

H.P. 421 - L.D. 571

An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien

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

Sec. 1. 14 MRSA §4651-A, sub-§5, as enacted by PL 1987, c. 184, §23, is amended to read:

5. Notice to judgment debtor. A lien created by this section ~~shall become~~ becomes void and loses its status as a perfected security interest with respect to the right, title and interest of any particular judgment debtor; and with respect to any other creditors of the judgment debtor unless the judgment creditor notifies the judgment debtor by certified or registered mail sent to ~~his~~ the judgment debtor's last known address on or before ~~20 days~~ the 20th day after filing or recording of the existence of the lien. The notice ~~shall~~ must contain the following:

- A. The fact that a lien has been filed;
- B. The date and place the lien was filed;
- C. The amount of the judgment and costs as stated in the execution;
- D. The name of the judgment creditor and attorney, if any, including their addresses; and
- E. The following statement: "To dissolve this lien, please contact (the creditor or ~~his~~ the creditor's attorney)."

See title page for effective date.

CHAPTER 21

H.P. 526 - L.D. 717

An Act to Expand the Methods of Service of Disclosure Subpoenas

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

Sec. 1. 14 MRSA §3123, sub-§§1 and 2, as enacted by PL 1987, c. 184, §6, are repealed.

Sec. 2. 14 MRSA §3123, sub-§3 is enacted to read:

3. Service of disclosure subpoena. Service of the disclosure subpoena on a judgment debtor must be made by delivering a copy of the subpoena to the

judgment debtor by any method by which service of civil summons may be made at least 10 days prior to the disclosure hearing.

See title page for effective date.

CHAPTER 22

S.P. 239 - L.D. 808

An Act to Amend the Laws Governing Banking Institutions

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

Sec. 1. 9-B MRSA §131, sub-§37, as amended by PL 1993, c. 99, §1, is further amended to read:

37. Service corporation. "Service corporation" means a corporation substantially all the activities of which consist of originating, purchasing, selling and servicing loans and participation interests therein; or clerical, bookkeeping, accounting and statistical or similar functions related to a financial institution or real estate activities; or management, personnel, marketing or investment counseling related to a financial institution or real estate activities; or establishing or operating one or more satellite facilities; or any activity authorized by the superintendent by regulation that has been authorized under federal law for service corporations owned or controlled by national banks, federally chartered savings and loan associations, federally chartered savings banks or federally chartered credit unions. The purpose of authorizing any such activity is to maintain competitive equality between federally chartered and state-chartered institutions.

Sec. 2. 9-B MRSA §334, sub-§1, as amended by PL 1991, c. 386, §1, is further amended to read:

1. Superintendent's approval. A financial institution or a service corporation wholly owned by one or more financial institutions may establish or participate in the use of a satellite or off-premise facility, as defined in section 131. A financial institution or service corporation may not establish a satellite facility without prior approval of notice to the superintendent, pursuant to section 336 this section.

Sec. 3. 9-B MRSA §334, sub-§3, as enacted by PL 1975, c. 500, §1, is amended to read:

3. Ownership. Such a facility may be wholly or partly owned by the institution; or may be owned by 2 or more such financial institutions; ~~provided that the superintendent shall approve such joint ownership.~~

Sec. 4. 9-B MRSA §334, sub-§4, as amended by PL 1993, c. 139, §1, is further amended to read:

4. Use of established facilities by additional institutions. A satellite facility established under this chapter must be made available for use by other financial institutions authorized to do business in this State. ~~The superintendent may not approve the establishment of any satellite facility unless all~~ All financial institutions using the facility must have equal access to the facility, except that a financial institution owning an off-premise facility may designate that facility as accepting cash deposits for its customers only. When a facility is shared, the identification and promotion of that facility must include the name or logo of the network system and may include the name of the sponsoring financial institution. If the name of the sponsoring financial institution is displayed, it must be equal in prominence to the name of the network system or logo.

Sec. 5. 9-B MRSA §334, sub-§6, as enacted by PL 1991, c. 386, §4, is amended to read:

6. Notification required. A financial institution shall notify the superintendent at least 10 days before the establishment, moving or closing of a satellite facility. The notification must be filed in the form and manner and containing information prescribed by the superintendent. A financial institution participating in the use or discontinuing the use of a ~~satellite facility or~~ network system must provide notice to the superintendent in the form and manner and containing the information required by the superintendent.

Sec. 6. 9-B MRSA §336, sub-§1, as repealed and replaced by PL 1983, c. 614, §2, is amended to read:

1. Notification required; application upon request. At least 30 days prior to the relocation of a main office or the establishment, moving or closing of a branch or agency office ~~or facility~~ authorized by this chapter, the institution shall notify the superintendent of the proposed action. A complete application for the ~~action~~ branch establishment, moving or closing may be required only when the superintendent or any interested person requests that a complete application be filed within 30 days of notice. The notification, ~~or the application,~~ if requested, shall must be filed with the superintendent in the form and manner and containing information as the superintendent may prescribe. If no application is requested within the 30-day period, the change ~~shall be~~ is deemed approved. A fee shall must accompany the notification in an amount established by the superintendent but not to exceed 1/2 of the application fee.