

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

Dental Examiners and physician assistants who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant to protocols approved by the Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure.

Sec. 3. 24 MRSA §2505, 2nd ¶, as amended by PL 1993, c. 600, Pt. A, §18, is further amended to read:

Except for specific protocols developed by a board pursuant to Title 32, section 1073, 2596-A or 3298, a physician, dentist or committee is not responsible for reporting misuse of alcohol or drugs or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol or drugs discovered by the physician, dentist or committee as a result of participation or membership in a professional review committee or with respect to any information acquired concerning misuse of alcohol or drugs or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol or drugs, as long as that information is reported to the professional review committee. Nothing in this section may prohibit an impaired physician or dentist from seeking alternative forms of treatment.

Sec. 4. 32 MRSA §1073, sub-§2, as amended by PL 1993, c. 600, Pt. A, §59, is further amended to read:

2. Rules. Adopt rules in accordance with the Maine Administrative Procedure Act that are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, interviews for licensing and renewal, continuing education, inactive licensure status, use of general anesthesia and fees for providing a list of addresses of licensed professionals upon request; ~~and~~

Sec. 5. 32 MRSA §1073, sub-§3, as repealed and replaced by PL 1983, c. 378, §6, is amended to read:

3. False advertising. Establish rules relating to false, deceptive or misleading advertising, except that no rules may be inconsistent with any rule promulgated pursuant to Title 5, section 207, subsection 2; and

Sec. 6. 32 MRSA §1073, sub-§4 is enacted to read:

4. Protocols for professional review committee. Establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee reporting information the board

considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, provided that the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired dentist from seeking alternative forms of treatment.

Sec. 7. 32 MRSA §1086, as corrected by RR 1993, c. 2, §33, is amended by adding a new paragraph at the end to read:

The board has the authority, upon the presentation of credentials and other information satisfactory to it, to issue a temporary permit for practice of dentistry in the State as part of a board-approved program of clinical education for Maine practitioners. An individual who is not currently licensed to practice dentistry in another state may not receive a temporary permit. An individual may not receive a temporary permit for more than 7 days in any calendar year.

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Board of Dental Examiners		
All Other	\$10,000	\$10,000
Allocates funds for the costs of establishing a peer review committee.		

See title page for effective date.

CHAPTER 108

S.P. 321 - L.D. 1061

An Act to Authorize State-chartered Community Development Credit Unions

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

Sec. 1. 9-B MRSA §131, sub-§§9-A and 24-A are enacted to read:

9-A. Community development credit union. "Community development credit union" means a credit union, as defined in subsection 12, of which a

majority of the field of membership meets the definition of low-income in subsection 24-A.

24-A. Low-income. "Low-income" means earning less than 80% of the average income for all wage earners as established by the United States Department of Labor, Bureau of Labor Statistics or having an annual household income that falls at or below 80% of the median household income for the nation as established by the United States Department of Commerce, Bureau of the Census or as otherwise defined by order of the superintendent.

Sec. 2. 9-B MRSA §812, sub-§2, ¶¶D and E, as amended by PL 1991, c. 386, §22, are further amended to read:

D. The proposed field of membership as defined in section 814; ~~and~~

E. All other information that the superintendent determines necessary and appropriate; ~~and~~

Sec. 3. 9-B MRSA §812, sub-§2, ¶F is enacted to read:

F. The information required under section 817, if applicable.

Sec. 4. 9-B MRSA §812, sub-§4, ¶B, as enacted by PL 1975, c. 500, §1, is amended to read:

B. In addition to the criteria set forth in ~~section~~ sections 253 and 817, the superintendent shall consider the following criteria in determining whether permission to organize should be granted; namely that:

(1) The character, responsibility and general fitness of the persons named in such certificate are such as to reasonably assure the proper conduct of the affairs and operation of a credit union;

(2) The proposed field of membership provides a common bond of interest and a potential membership such as will reasonably assure success of the credit union; and

(3) The proposed credit union will not jeopardize materially the financial stability of any existing credit union.

Sec. 5. 9-B MRSA §813, sub-§2, ¶B, as enacted by PL 1975, c. 500, §1, is amended to read:

B. The bylaws ~~shall~~ must provide for and determine:

(1) The name of the corporation;

(2) The purpose for which it is formed;

(3) The condition of residence, occupation or association ~~which~~ that qualifies persons for membership;

(4) The conditions on which shares may be paid in, transferred and withdrawn, including shares of nonmembers as provided in section 817;

(5) The method of receipting for money paid on account of shares or repaid on loans;

(6) The number of directors, and the number of members of the credit committee and the supervisory committee, and the manner of electing same;

(7) The time of holding regular meetings of the board of directors, the credit committee and the supervisory committee;

(8) The duties of the several officers;

(9) The entrance fees, if any, to be charged;

(10) The fines, if any, to be charged for failure to meet obligations to the corporation punctually;

(11) The manner in which members ~~shall~~ be ~~are~~ notified of all meetings;

(12) The number of members who ~~shall~~ constitute a quorum at all meetings; and

(13) Such other regulations as may be deemed necessary.

Sec. 6. 9-B MRSA §817 is enacted to read:

§817. Community development credit unions

1. Designation. A credit union may apply to the superintendent in writing for designation as a community development credit union for the purposes of promoting economic revitalization and community development by providing financial services primarily to low-income individuals.

2. Shares and deposit accounts of nonmembers. A community development credit union may accept payments representing shares from nonmembers if the shares are of a type approved by the National Credit Union Administration and deposit accounts from nonmembers if the deposit accounts are of a type approved by the superintendent; however, nonmember shares and deposit accounts may not exceed the greater of \$1,500,000 or 20% of total shares without the prior approval of the superintendent.

3. Assistance from Community Development Credit Union Revolving Loan Fund. Upon prior notice to the superintendent, a community development credit union may apply for and receive assistance from the Community Development Credit Union Revolving Loan Fund administered by the National Credit Union Administration. Assistance from the fund may take the form of:

A. Financial assistance through equity investments, credit union shares, loans or grants; or

B. Technical assistance directly or through grants.

4. Application of other provisions. Except as otherwise provided in this section, a community development credit union is subject to the provisions of this Title and all rules issued under this Title that are applicable to credit unions.

5. Removal of community development credit union designation. If a majority of a community development credit union's field of membership no longer meets the definition of low-income set forth in section 131, subsection 24-A, the community development credit union designation is removed. The superintendent shall notify a community development credit union when the community development credit union designation is removed.

Sec. 7. 9-B MRSA §821, as repealed and replaced by PL 1975, c. 666, §27, is amended to read:

§821. Powers in general

In addition to all services to members and to nonmembers as provided in section 817 incidental to the powers granted credit unions elsewhere in this Title, a credit union shall be is empowered to do the acts set forth in this chapter, subject to the conditions and limitations set forth herein.

Sec. 8. 9-B MRSA §827, sub-§1, as repealed and replaced by PL 1983, c. 51, §2, is amended to read:

1. Receipt of savings. A Except as provided in subsection 4, 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.

Sec. 9. 9-B MRSA §827, sub-§4 is enacted to read:

4. Nonmember shares and deposit accounts. A community development credit union designated by the superintendent as a community development credit union under section 817 may receive payments and savings from nonmembers representing shares of a type approved by the National Credit Union Admini-

stration and deposit accounts of a type approved by the superintendent.

Sec. 10. 9-B MRSA §831, sub-§1, ¶C, as enacted by PL 1975, c. 500, §1, is amended to read:

C. The maximum amount of shares ~~which that~~ may be held by any one member or nonmember as provided in section 817 shall must be established from time to time by resolution of the board of directors.

Sec. 11. 9-B MRSA §831, sub-§2, as enacted by PL 1975, c. 500, §1, is amended to read:

2. Share transactions. The provisions of section 427 ~~shall be are~~ applicable to ~~a member's~~ shares in a credit union.

Sec. 12. 9-B MRSA §836, sub-§1, as enacted by PL 1975, c. 500, §1, is amended to read:

1. Requirement. Every credit union authorized to do business in this State shall insure ~~its member's~~ shares with the National Credit Union Administration or the successor to such federal agency.

Sec. 13. 9-B MRSA §842, sub-§2, ¶G, as enacted by PL 1975, c. 500, §1, is amended to read:

G. To limit the number of shares ~~which that~~ may be owned by one member or nonmember as provided in section 817, and such limitation shall apply alike to all members must be applied uniformly;

Sec. 14. 9-B MRSA §882, as amended by PL 1985, c. 647, §11, is further amended to read:

§882. Use of name "credit union"

No person, partnership or association and no corporation, except one incorporated under this Part or the corresponding provisions of earlier laws, may receive payments on shares from its members and nonmembers as provided in section 817 and loan such payments on shares and transact business under any name or title containing the words "credit union" without the prior written approval of the bank superintendent or unless organized under provisions of federal law. Whoever violates any provision of this section ~~shall must~~ be punished by a fine of not more than \$1,000, and the Superior Court ~~shall have~~ has jurisdiction to grant appropriate equitable relief to enforce this section.

See title page for effective date.