

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

B. The superintendent shall serve such written notice in accordance with Rule 4 of the Maine Rules of Civil Procedure upon the officer or director involved and copies of such notice ~~shall~~ must be served upon the financial institution or financial institution holding company of which ~~he~~ the person is an officer or director or in the conduct of whose affairs ~~he~~ the person has participated.

Sec. C-4. 9-B MRSA §232, sub-§3, ¶A, as enacted by PL 1975, c. 500, §1, is amended to read:

A. If the superintendent ~~deems~~ considers it necessary for the protection of the financial institution or financial institution holding company or the interests of its depositors or shareholders, such written notice may suspend the officer or director from office or prohibit ~~him~~ the officer or director from further participation in any manner in the conduct of the affairs of the financial institution or financial institution holding company.

Sec. C-5. 9-B MRSA §232, sub-§5, ¶C, as enacted by PL 1975, c. 500, §1, is amended to read:

C. In the event of consent pursuant to paragraph B, or if upon the record made at any such hearing the superintendent ~~shall find~~ finds that any of the grounds specified in the notice have been established, ~~he~~ the superintendent may issue such orders of suspension or removal from office or prohibition from participation in the conduct of the affairs of the financial institution or financial institution holding company, as ~~he may deem~~ the superintendent considers appropriate.

Sec. C-6. 9-B MRSA §232, sub-§6, ¶A, as enacted by PL 1975, c. 500, §1, is amended to read:

A. Any order issued pursuant to subsection 5 ~~shall become~~ becomes effective at the expiration of 30 days after service upon the officer or director and the financial institution or financial institution holding company concerned; provided that an order issued upon consent ~~shall become~~ becomes effective within the time specified therein.

Sec. C-7. 9-B MRSA §232, sub-§7, ¶B, as enacted by PL 1975, c. 500, §1, is amended to read:

B. At such time as a judgment of conviction with respect to such offense is entered against such officer or director, and such judgment is not subject to further appellate review, the superintendent may issue and serve upon such officer or director an order removing ~~him~~ the officer or director from such office or prohibiting

~~him~~ the officer or director from further participation in the conduct of the affairs of the financial institution or financial institution holding company except with the written consent of the superintendent. Such order ~~shall become~~ becomes effective after service upon the officer or director and the financial institution or financial institution holding company.

See title page for effective date.

CHAPTER 183

S.P. 219 - L.D. 678

An Act to Amend the Laws Relating to Auctioneers

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

Sec. 1. 32 MRSA §270, sub-§5, as enacted by PL 1995, c. 402, Pt. A, §10, is repealed.

Sec. 2. 32 MRSA §272-A, as enacted by PL 1995, c. 402, Pt. A, §13, is repealed.

Sec. 3. 32 MRSA §273, first ¶, as amended by PL 1995, c. 402, Pt. A, §14, is further amended to read:

Every resident person in this State desiring to do business as an auctioneer ~~or small auctioneer~~, who satisfies the board that that person has knowledge of the laws of this State pertaining to auctions and sales, the ethics and practices of auctioneers, the laws relating to the record of sales of used merchandise and such other related subjects as the board may select, upon application in form designated by the board, must receive a license to conduct auctions. The original application must be accompanied by 2 letters of recommendation as evidence of ethical business practice.

Sec. 4. 32 MRSA §275, sub-§2, as amended by PL 1995, c. 402, Pt. A, §16, is further amended to read:

2. Advertising. No auction may be advertised in this State without including the name and license number of the auctioneer ~~or small auctioneer~~.

Sec. 5. 32 MRSA §276, first ¶, as amended by PL 1995, c. 402, Pt. A, §17, is further amended to read:

Every nonresident person desiring to do business as an auctioneer ~~or small auctioneer~~ in this State shall obtain a license. The board may issue a license to any nonresident upon fulfillment of the same application

requirements as those set forth for resident auctioneers ~~or small auctioneers~~.

Sec. 6. 32 MRSA §279, as amended by PL 1995, c. 402, Pt. A, §20, is further amended to read:

§279. Inspection of license

Every auctioneer ~~or small auctioneer~~ licensed by the State must show that auctioneer's ~~or small auctioneer's~~ state license at any time upon the request of a municipal law enforcement agency or municipal clerk or officer in whose municipality the auctioneer ~~or small auctioneer~~ is conducting an auction. The provisions for obtaining a state auctioneer's ~~or small auctioneer's~~ license do not prohibit any municipality from establishing its own permit requirements for an auction sale, provided no municipal permit is required for an auction that lasts less than 2 full consecutive days.

Sec. 7. 32 MRSA §280, sub-§1, as amended by PL 1995, c. 402, Pt. A, §21, is further amended to read:

1. Statement of ownership of property. Any law enforcement officer may require the auctioneer ~~or small auctioneer~~ to state whether the merchandise being sold is owned in part or in its entirety by the auctioneer ~~or small auctioneer~~. If the merchandise is owned by another party, the name and address of that party must be stated to law enforcement officials.

Sec. 8. 32 MRSA §280, sub-§3, as amended by PL 1995, c. 402, Pt. A, §22, is further amended to read:

3. Real estate brokerage. If an auctioneer ~~or small auctioneer~~ engages in real estate brokerage, the auctioneer ~~or small auctioneer~~ must be licensed under chapter 114, except that a license is not required if the auctioneer ~~or small auctioneer~~ is hired to call bids on real estate being sold at an auction and the auctioneer ~~or small auctioneer~~ does not prepare contracts or otherwise control the actual sale or take custody of any part of the purchase price.

Sec. 9. 32 MRSA §282, last ¶, as amended by PL 1995, c. 402, Pt. A, §25, is further amended to read:

The Board of Licensing of Auctioneers may take any action pursuant to Title 10, section 8003, subsection 5. Any person who purports to be or operates as a licensed auctioneer ~~or small auctioneer~~ without obtaining a license commits a Class E crime.

Sec. 10. 32 MRSA §283, first ¶, as amended by PL 1995, c. 402, Pt. A, §26, is further amended to read:

Each auctioneer ~~or small auctioneer~~ shall post for display and describe at the beginning of each auction the conditions of the auction sale. The conditions must include:

Sec. 11. 32 MRSA §283, sub-§§2, 3 and 6, as amended by PL 1995, c. 402, Pt. A, §26, are further amended to read:

2. Highest bidder acknowledged. That the highest bidder will be acknowledged by the auctioneer ~~or small auctioneer~~;

3. Bid not commensurate. Whether a bid not commensurate with value, in the opinion of the auctioneer ~~or small auctioneer~~, may be made;

6. Auctioneer or owner bidding. Whether or not the owner, or auctioneer ~~or small auctioneer~~ reserves the right to bid;

See title page for effective date.

CHAPTER 184

S.P. 151 - L.D. 430

An Act to Clarify the Provisions that Implement Performance Budgeting in State Government

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

Sec. 1. 5 MRSA §1710-K, as repealed and replaced by PL 1995, c. 705, §1, is amended by repealing and replacing the headnote to read:

§1710-K. Performance budgeting; definitions

Sec. 2. 5 MRSA §1710-K, sub-§1, ¶F, as enacted by PL 1995, c. 705, §1, is amended to read:

F. "State agency" means a department, agency, organization, corporation or association that receives a direct appropriation or allocation from the State or is required to comply with chapter 149, except that for the purposes of this chapter "state agency" does not include the Maine Sardine Council, the Maine Lobster Promotion Council, the Maine Potato Board, the Maine Dairy Promotion Board, the Maine Dairy and Nutrition Council, the Maine Blueberry Commission or the Maine Indian Tribal-State Commission.

Sec. 3. 5 MRSA §1710-K, sub-§2, as enacted by PL 1995, c. 705, §1, is repealed.

Sec. 4. 5 MRSA §1710-L, as enacted by PL 1995, c. 395, Pt. B, §1, is amended to read: