

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

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FIRST REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

§1344. Violation; penalties

1. Operating commercial large game shooting area without license. A person who operates a commercial large game shooting area without a license issued under section 1342 is guilty of a Class E crime.

1-A. Remote-control hunting. A person who owns or operates a commercial large game shooting area that uses remote-control hunting in violation of section 1347 commits a Class E crime.

2. Civil violations. Except for operating a commercial large game shooting area without a license or using remote-control hunting as provided in subsections 1 and 1-A, a person who violates any provision of this chapter or any rule adopted pursuant to this chapter commits a civil violation for which a forfeiture not to exceed \$500 for a first violation and not to exceed \$1,000 for a 2nd violation may be adjudged.

3. Revocation of license. The commissioner may revoke a license issued under section 1342 for any violation of this chapter or rule adopted pursuant to this chapter or any violation of chapter 739 or Title 17, chapter 42, subchapter ~~III~~ 3.

Sec. 2. 7 MRSA §1347 is enacted to read:

§1347. Remote-control hunting

An owner or operator of a commercial large game shooting area may not use a website or a service or business via any other means that permits a person to shoot or attempt to shoot any large game that is located in this State through the use of a computer-controlled gun, shooting apparatus or any other remote-control device when the person using the website, service or business is physically removed from the immediate vicinity of the large game animal.

Sec. 3. 12 MRSA §12103 is enacted to read:

§12103. Remote-control hunting

An owner or operator of a commercial shooting area may not use a website or a service or business via any other means that permits a person to hunt or attempt to hunt a wild animal or wild bird that is located in this State through the use of a computer-controlled gun, shooting apparatus or any other remote-control device when the person using the website, service or business is physically removed from the immediate vicinity of the wild animal or wild bird.

A person who violates this section commits a Class E crime.

See title page for effective date.

CHAPTER 82

S.P. 196 - L.D. 587

An Act To Make Changes to the Banking Laws

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

Sec. 1. 9-B MRSA §131, sub-§32, as repealed and replaced by PL 1975, c. 666, §4, is amended to read:

32. Savings account. "Savings account" or "savings deposit" means a deposit or account in a financial institution in which the depositor is not required by the deposit contract, but may at any time be required by the financial institution, to give notice in writing of an intended withdrawal not less than ~~30~~ 7 days before such withdrawal is made and ~~which that~~ is not payable on a specified date or at the expiration of a specified time after the date of deposit.

Sec. 2. 9-B MRSA §131, sub-§37, as amended by PL 1997, c. 398, Pt. A, §26, is further amended to read:

37. Service corporation. "Service corporation" means a corporation, limited liability company or limited partnership 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 rule or order 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. 3. 9-B MRSA §231, sub-§1, ¶B, as repealed and replaced by PL 1995, c. 628, §16, is amended to read:

B. The superintendent may restrict the withdrawal of funds from one or more financial institutions in an order issued under paragraph A if, in the opinion of the superintendent, extraordinary circumstances make such action necessary and appropriate for the protection of depositors, ~~shareholders~~ investors or the public.

Sec. 4. 9-B MRSA §231, sub-§3, ¶A, as enacted by PL 1975, c. 500, §1, is amended to read:

A. Whenever, in the opinion of the superintendent, the violation or practice set forth in subsection 1 requires immediate action for the protection of depositors or ~~shareholders~~ investors, or ~~where such~~ the violation or practice, or the continuation thereof, is likely to cause insolvency or substantial dissipation of the assets or earnings of the institution, the superintendent may issue orders pursuant to subsection 1, which ~~shall~~ become effective upon service thereof, without prior notice or hearing.

Sec. 5. 9-B MRSA §312, sub-§5, ¶D, as enacted by PL 1997, c. 398, Pt. C, §7, is amended to read:

D. All initial and subsequent capital contributions must be in the form of cash, unless otherwise approved by the superintendent.

Sec. 6. 9-B MRSA §342, sub-§1, ¶H is enacted to read:

H. Upon approval of the superintendent and evidence that the converting institution has complied with all applicable state and federal laws, rules and regulations, the superintendent shall issue to the resulting institution a certificate specifying the name of the converting institution and shall file a copy of the certificate with the Secretary of State. This certificate, once filed, is conclusive evidence of the conversion and of the correctness of all proceedings relating to the conversion in all courts and places. Unless a later date is specified in the certificate, the conversion is effective upon issuance of the certificate.

Sec. 7. 9-B MRSA §342, sub-§2, ¶E is enacted to read:

E. Upon approval of the superintendent and evidence that the converting institution has complied with all applicable state and federal laws, rules and regulations, the superintendent shall issue to the resulting institution a certificate specifying the name of the converting institution and shall file a copy of the certificate with the Secretary of State. This certificate, once filed, is conclusive evidence of the conversion and of the correctness of all proceedings related to the conversion in all courts and places. Unless a later date is specified in the certificate, the conversion is effective upon issuance of the certificate.

Sec. 8. 9-B MRSA §412-A, sub-§3, as enacted by PL 1997, c. 398, Pt. I, §3, is repealed.

Sec. 9. 9-B MRSA §412-A, sub-§3-A is enacted to read:

3-A. Approval. Any issuance considered as capital under subsection 1 or under rules adopted under subsection 1 must be submitted to the superintendent for the superintendent's approval at least 10 days prior to issuance and include any documentation the superintendent considers necessary.

Sec. 10. 9-B MRSA §445, sub-§1, as amended by PL 1997, c. 22, §12, is further amended to read:

1. Authorization. A financial institution may establish, acquire or invest in the ~~capital stock~~ equity interest, obligations or other securities of a service corporation, as defined in section 131, or otherwise participate in or utilize the service of such a corporation. A service corporation may be owned by one or more institutions engaged in the business of banking.

Sec. 11. 9-B MRSA §864, sub-§2, ¶A, as enacted by PL 1993, c. 99, §2, is amended to read:

A. The service corporation is structured ~~as either a corporation or limited partnership, in order to~~ limit the credit union's exposure to loss; and

Sec. 12. 9-B MRSA §882, as amended by PL 1997, c. 108, §14, is repealed and the following enacted in its place:

§882. Use of term "credit union"

1. Use of term authorized. A person, if duly authorized under the laws of this State, another state or the United States to conduct the business of banking as a credit union, may use as a part of the name or title under which it conducts business in this State the term "credit union." The superintendent may require the filing of supporting documentation relating to this paragraph in the form and manner and containing any information the superintendent may prescribe.

2. Use of term prohibited. Except as provided in subsection 1, a person may not use the term "credit union" as part of the name or title under which business is conducted or as a designation of such a business without prior written approval of the superintendent. In determining whether to grant written permission, the superintendent shall consider whether the business to be conducted is similar to the business of banking and whether using those terms or any derivatives of those terms could be deceptive or otherwise injurious to public interest.

3. Violation; penalty. A person who violates any provision of this section is subject to a civil penalty of not more than \$10,000 for each violation.

4. Exception. This section does not prohibit the use of any name by a person who received written permission from the superintendent to use the name prior to the effective date of this section.

Sec. 13. 9-B MRSA §1019-A, sub-§§1 and 2, as enacted by PL 1991, c. 386, §27, are amended to read:

1. Issuance of stock, capital notes or debentures. The issuance of ~~preferred stock~~ equity interest, capital notes or debentures with an original maturity of 3 years or greater. Notice must be provided at least 10 days prior to issuance and must contain a copy of any United States Securities and Exchange Commission filings, private placement memoranda or other documents describing the proposed issue to potential investors; ~~and~~

2. Purchase of own capital stock. The purchase of shares of any type of its own ~~capital stock~~ equity interest. Notice must contain such information as required by the superintendent; ~~and~~

Sec. 14. 9-B MRSA §1019-A, sub-§3 is enacted to read:

3. Exception requiring approval. The issuance of equity interest or capital notes by a Maine financial institution holding company that is not required to file notice with the United States Securities and Exchange Commission. Issuance under this subsection also requires prior approval of the superintendent. A Maine financial institution holding company may not purchase or redeem its equity interests without the superintendent's prior written approval if the gross consideration for purchase or redemption, when aggregated with the net consideration paid by the company for all such purchases or redemptions during the preceding 12 months, is equal to 10% or more of the company's consolidated net worth.

Sec. 15. 9-B MRSA §1215, 2nd ¶, as enacted by PL 1997, c. 398, Pt. J, §2, is amended to read:

If the holding company is not deemed to be a financial institution holding company under chapter 101 by virtue of controlling financial institutions other than nondepository trust companies, the superintendent may examine the holding company, including its subsidiaries and affiliates, to the extent necessary to determine the soundness and viability of the nondepository trust company.

Sec. 16. 9-B MRSA §1226, 2nd ¶, as enacted by PL 1997, c. 398, Pt. J, §2, is amended to read:

If the holding company is not deemed to be a financial institution holding company under chapter 101 by virtue of controlling financial institutions other than a merchant bank, the superintendent may examine the

holding company, including its subsidiaries and affiliates, to the extent necessary to determine the soundness and viability of the merchant bank.

See title page for effective date.

CHAPTER 83

S.P. 324 - L.D. 949

An Act To Enhance the Supervisory Powers of the Department of Professional and Financial Regulation, Bureau of Financial Institutions

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

Whereas, the Superintendent of Financial Institutions has identified certain enforcement powers essential to the regulation of Maine-chartered financial institutions that are not currently included in the banking laws; and

Whereas, these powers should be made available to the superintendent as soon as possible so that, in the event a Maine-chartered financial institution encounters serious financial difficulties, the superintendent may use the new powers for the protection of depositors, beneficiaries of fiduciary accounts, creditors and the public; and

Whereas, pressures of market forces in Maine and across the nation may adversely affect Maine-chartered financial institutions and may warrant responsive action by the superintendent including the use of these new enforcement powers; 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. 9-B MRSA §131, sub-§12-B, as enacted by PL 1995, c. 628, §5, is repealed and the following enacted in its place:

12-B. Deposit production offices. "Deposit production offices" means the Maine offices operated by an individual financial institution authorized to do business in this State or individual credit union authorized to do business in this State that do not reasonably help meet the credit needs of Maine