

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

B. Whether the foreign bank or foreign bank holding company has provided the superintendent with adequate assurances that it will make available to the superintendent such information on the operations or activities of the foreign bank, foreign bank holding company and any affiliate of the foreign bank or foreign bank holding company that the superintendent considers necessary to determine and enforce compliance with this Title and other applicable state law.

Sec. 23. 9-B MRSA §1015, sub-§5, ¶B, as enacted by PL 1997, c. 398, Pt. K, §12, is amended to read:

B. If the assets of the company being acquired are between 15% and 50% of the financial institution holding company's total consolidated assets, the financial institution holding company must notify the superintendent at least 10 days prior to consummating the transaction. The superintendent may require that an application be filed pursuant to section 252 if the following conditions are not satisfied and, based on a preliminary analysis, the superintendent concludes that the transaction may have a material adverse effect on the financial condition of the financial institution holding company and its ability to act as a source of strength to the Maine financial institution:

- (1) Before and immediately after the proposed transaction, the acquiring Maine financial institution and financial institution holding company are well capitalized, as determined by the superintendent; and
- (2) At the time of the transaction, the acquiring Maine financial institution and financial institution holding company are well managed, as defined in section 446-A.

Sec. 24. 9-B MRSA §1053, sub-§2, as enacted by PL 1985, c. 558, is amended to read:

2. Plan. A plan of reorganization authorized under this chapter ~~shall~~ must be approved by a majority of the board of directors, ~~corporators and members, or~~ and members; of ~~such~~ the mutual financial institution.

Sec. 25. 30-A MRSA §5951, sub-§2, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10 and as amended by PL 2001, c. 44, §11 and as affected by §14, is further amended to read:

B. The Superintendent of Financial Institutions, who also serves as a commissioner ex officio; ~~and.~~

(1) The Superintendent of Financial Institutions may designate a deputy superintendent to serve in place of the Superintendent of Financial Institutions; and

Sec. 26. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 9-B, chapter 23, in the chapter headnote, the words "cease and desist orders; removal of officer or director" are amended to read "cease and desist orders; removal or change of officer or director" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 80

H.P. 464 - L.D. 615

An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers

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

Sec. 1. 34-B MRSA §1203, sub-§4, as amended by PL 1995, c. 15, §1 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

4. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients receiving children's behavioral health, adult mental health or adult mental retardation services from the department. The commissioner shall also establish procedures for hearing client appeals from the denial of eligibility for adult mental retardation services from the department. The procedures must include the opportunity for a timely hearing before a state hearing examiner or an independent fair hearing examiner. The commissioner may assign staff of the department's office of administrative hearings or may contract for the services of the hearing examiner or examiners, who shall conduct all adjudicatory proceedings pursuant to the Maine Administrative Procedure Act and who may not be employees of the Department of Health and Human Services.

See title page for effective date.

CHAPTER 81

H.P. 292 - L.D. 362

An Act To Effect the Seizure and Disposal of Contraband Fireworks

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

Whereas, the possession and use of fireworks by individuals without a permit is illegal in this State; and