

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

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

Sec. 1. 18-C MRSA §3-108, sub-§1, ¶D, as amended by PL 2019, c. 417, Pt. A, §4, is further amended to read:

D. ~~An~~ Regardless of whether the decedent dies before, on or after the effective date of this Code, an informal appointment or a formal testacy or appointment proceeding may be commenced more than 3 years after the decedent's death if no proceeding concerning the succession or estate administration has occurred within the 3-year period after the decedent's death, but the personal representative has no right to possess estate assets as provided in section 3-709 beyond that necessary to confirm title in the successors to the estate, and claims other than expenses of administration may not be presented against the estate;

Sec. 2. 18-C MRSA §5-308, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §30, is amended to read:

4. **Effective date.** This section takes effect January 1, ~~2021~~ 2023.

Sec. 3. 18-C MRSA §5-409, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §62, is amended to read:

4. **Effective date.** This section takes effect January 1, ~~2021~~ 2023.

Sec. 4. 18-C MRSA §5-423, sub-§2, ¶E, as amended by PL 2019, c. 417, Pt. A, §80, is further amended to read:

E. ~~An annual credit report of the individual subject to conservatorship and, to~~ To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts and mortgages or other debts of the individual subject to conservatorship, with all but the last 4 digits of the account numbers and the individual's social security number redacted, ~~and, if ordered by the court, a credit report of the individual subject to guardianship;~~

Sec. 5. 18-C MRSA §5-431, sub-§8, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

8. **Safeguard rights of individual.** Unless the court otherwise orders for good cause, before terminating or modifying a conservatorship, the court shall follow the same procedures to safeguard the rights of the individual subject to conservatorship that apply to a petition for conservatorship.

Sec. 6. 18-C MRSA §5-511, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §95, is amended to read:

4. **Effective date.** This section takes effect January 1, ~~2021~~ 2023.

Sec. 6. 18-C MRSA §8-301, sub-§2, ¶A-1, as amended by PL 2019, c. 598, §8, is further amended to read:

A-1. The intestate succession provisions of Article 2, Part 1, Subpart 1, the elective share provisions of Article 2, Part 2 ~~and~~, the exempt property and allowances provisions of Article 2, Part 4 ~~and the wrongful death provisions of section 2-807~~ apply to the estates of decedents who die on or after the effective date;

Sec. 7. **Retroactivity.** Those sections of this Act that amend the Maine Revised Statutes, Title 18-C, section 5-308, subsection 4, section 5-409, subsection 4 and section 5-511, subsection 4 apply retroactively to January 1, 2021.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 17, 2021.

CHAPTER 5

H.P. 159 - L.D. 224

An Act To Modify Requirements for Multiple-party Accounts, Limited Purpose Financial Institutions and Mergers

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

Whereas, financial institutions in this State are committed to preventing elder financial abuse; and

Whereas, the enactment of a new probate code in July 2019 made a change in the procedures for opening a multiple-party account; and

Whereas, the following legislation clarifies a provision in the Maine Revised Statutes, Title 9-B requiring financial institutions to affirm when a multiple-party account is established or a single account is converted whether the party establishing or converting the account intends for any sum remaining in the account upon death to belong to the surviving party; and

Whereas, this change must be enacted before the expiration of the 90-day period to allow financial institutions to establish procedures for opening multiple-party accounts to immediately help combat elder financial abuse; 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 §354, sub-§2, as amended by PL 1997, c. 398, Pt. G, §4, is further amended to read:

2. Resulting investor-owned institution. Except as the superintendent may authorize pursuant to section 354-A, a mutual financial institution may not merge into an investor-owned institution organized under the laws of this State without prior compliance with section 344 and all rules adopted under that section. In accordance with section 1054, subsection 3, paragraph B, a mutual holding company may acquire a mutual financial institution or mutual federal association through merger into a subsidiary universal bank or an interim subsidiary universal bank of the mutual holding company without prior compliance with section 344 and all rules adopted under that section.

Sec. 2. 9-B MRSA §427, sub-§13-A, as enacted by PL 2019, c. 1, §2 and affected by §5, is amended to read:

13-A. Notice on opening certain accounts. ~~A signature card or other document establishing a multiple party account, as defined in Title 18-C, section 6-201, must contain a clear and conspicuous printed notice to the depositor that on the depositor's death the balance in the account will belong to the surviving party. At the time a multiple-party account, as defined in Title 18-C, section 6-201, subsection 5, is established or at the time a single-party account is converted to a multiple-party account with a financial institution, the document establishing the account or adding another party must include for each party to the account the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes or No." The question required by this subsection must be answered in writing on the form by each party to the account prior to opening the account. The answer provided on the form required by this subsection does not have any effect on any legal presumption or inference available in any civil or criminal matter.~~

Sec. 3. 9-B MRSA §1054, sub-§3, ¶B, as amended by PL 2009, c. 228, §15, is further amended to read:

B. Acquire a mutual financial institution or a mutual federal association through merger into a subsidiary universal bank or an interim subsidiary universal bank of the mutual holding company;

Sec. 4. 9-B MRSA §1212, sub-§1-A is enacted to read:

1-A. Principal office in State. Except for a non-depository trust company organized prior to the effective date of this subsection, a nondepository trust company shall locate its principal office in this State, have at least one resident of this State on its governing board and hold at least one of its governing board meetings in this State each year.

Sec. 5. 9-B MRSA §1222, sub-§1-A is enacted to read:

1-A. Principal office in State. Except for a merchant bank organized prior to the effective date of this subsection, a merchant bank shall locate its principal office in this State, have at least one resident of this State on its governing board and hold at least one of its governing board meetings in this State each year.

Sec. 6. 9-B MRSA §1232, sub-§1-A is enacted to read:

1-A. Principal office in State. Except for an uninsured bank organized prior to the effective date of this subsection, an uninsured bank shall locate its principal office in this State, have at least one resident of this State on its governing board and hold at least one of its governing board meetings in this State each year.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 17, 2021.

**CHAPTER 6
H.P. 191 - L.D. 275**

**An Act To Amend the
Retirement Laws Pertaining to
Certain Educational
Technicians**

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

Whereas, a regulatory change in certification requirements for educational technicians has made some educational technicians for the first time mandatory members of the State Employee and Teacher Retirement Program; and

Whereas, the affected positions had been covered by the United States Social Security Act or other retirement programs; and

Whereas, it was not the intent of the Legislature or the State Board of Education to change retirement benefit coverage for the affected positions; and

Whereas, correcting this unintended consequence immediately is necessary to prevent harm to employees