

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

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

in these positions who would benefit from continuing to be covered by the United States Social Security Act or other retirement programs; 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. 5 MRSA §17001, sub-§42, ¶A, as amended by PL 2019, c. 460, §1, is further amended to read:

A. Any employee of a public school or a school management and leadership center established pursuant to Title 20-A, chapter 123 who fills any position that the Department of Education requires be filled by a person who holds the appropriate certification or license required for that position, other than an educational technician position for which certification is not required under Title 20-A, section 13019-H, and:

(1) Holds appropriate certification from the Department of Education, including an employee whose duties include, in addition to those for which certification is required, either the setup, maintenance or upgrading of a school computer system the use of which is to assist in the introduction of new learning to students or providing school faculty orientation and training related to use of the computer system for educational purposes; or

(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State;

Sec. 2. Retroactivity. This Act applies retroactively to July 1, 2018.

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

Effective March 17, 2021.

CHAPTER 7

S.P. 132 - L.D. 306

**An Act To Temporarily Waive
Certain Requirements for
Relicensing for Restaurants
That Serve Liquor**

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

Whereas, the spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

Whereas, in response to this public health emergency, the Governor issued an executive order on March 18, 2020 requiring all restaurants to close their dine-in facilities; and

Whereas, although restaurants across the State were permitted to reopen for dine-in service by June 17, 2020, they were required to limit indoor seating capacity and, beginning November 20, 2020, were additionally required to close their dine-in facilities by 9:00 p.m. nightly to prevent spread of the virus; and

Whereas, the combined effects of the public health emergency and subsequent public health measures have negatively impacted the ability of restaurants to satisfy certain criteria for maintenance of their licenses to sell liquor for on-premises consumption under current law; 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. One-time waiver of requirements for food sales for license renewal. Notwithstanding any provision of the law to the contrary, an applicant for renewal of an on-premises retail license issued by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations under the Maine Revised Statutes, Title 28-A is not required to demonstrate that it has satisfied any applicable requirement under Title 28-A, chapter 43 for income from the sale of food during the previous year if the license to be renewed expires, prior to the granting of any extension under section 2, during the period beginning on January 1, 2021 and ending on January 1, 2022. The bureau must grant any license renewal denied between January 1, 2021 and the effective date of this Act if the sole reason for the denial was the licensee's failure to demonstrate compliance with any applicable requirement under Title 28-A, chapter 43 for income from the sale of food.

Sec. 2. One-time extension of on-premises retail licenses. Notwithstanding any provision of law to the contrary, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, upon receipt of an application for renewal of an on-premises retail license issued under the Maine Revised Statutes, Title 28-A that expires during the period beginning on the effective date of this Act and ending one year after that date, shall grant a 90-day extension of the license if the license to be renewed was