

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

fees and reasonable attorney's fees. The State may recover equitable monetary relief, including restitution and disgorgement.

Sec. 2. 10 MRSA §1104, sub-§3, as amended by PL 1991, c. 137, §3, is further amended to read:

3. Civil penalty. Each course of conduct that constitutes a violation of section 1101 or 1102 is a civil violation for which a civil penalty of not more than ~~\$100,000~~ \$250,000 for each defendant may be adjudged.

A. In any action initiated by the Attorney General pursuant to this section to prevent and restrain violations of sections 1101 and 1102, the Attorney General may include an action to recover civil penalties by each defendant for each course of conduct alleged.

B. An action to recover a civil penalty from a defendant under this section bars a criminal prosecution pursuant to section 1101 or 1102 against that defendant for the same course of conduct on which the action to recover the civil penalty is based.

C. A criminal prosecution against a defendant pursuant to section 1101 or 1102 bars any action to recover a civil penalty under this section from that defendant for the same course of conduct on which the criminal prosecution is based.

Sec. 3. 10 MRSA §1109, sub-§3, as amended by PL 1991, c. 488, is further amended to read:

3. Report. The person acquiring stock or assets under subsection 2 shall provide notice of this acquisition to the Department of the Attorney General at least ~~30~~ 90 days prior to the date of acquisition. That period may be shortened with the consent of the Attorney General.

Sec. 4. 10 MRSA §1109, sub-§5, as enacted by PL 1989, c. 750, is amended to read:

5. Penalty. Violation of this section is a civil violation for which a civil penalty not to exceed ~~\$10,000~~ \$50,000 may be assessed.

See title page for effective date.

CHAPTER 539

S.P. 783 - L.D. 1921

**An Act to Amend the Laws
Regarding State-chartered
Credit Unions**

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

Sec. 1. 9-B MRSA §823, sub-§1, as enacted by PL 1975, c. 550, §1, is amended to read:

1. Sale of negotiable checks and money orders instruments. A credit union may engage directly in the business of selling, issuing or registering ~~checks or money orders~~ negotiable instruments to its members.

Sec. 2. 9-B MRSA §842, sub-§2, as amended by PL 2003, c. 322, §§29 to 31, is further amended to read:

2. Powers and duties. The board of directors shall manage the affairs, funds and records of the credit union and shall meet as often as necessary, but not less than once a month, notice of ~~such the~~ meeting to be made in the manner prescribed in the bylaws. The superintendent may approve fewer meetings upon a credit union's demonstration of good cause. As set forth below, the special duties of the board of directors ~~shall be~~ are:

A. To act upon applications for membership, or to appoint a membership committee of one or more membership officers from among the members of the credit union, other than the treasurer, an assistant treasurer or loan officer, who may be authorized by the board to approve applications for membership under such conditions as the board may prescribe; ~~provided, as long as that such~~ provided, as long as that such committee or membership officer ~~so authorized shall submit~~ submits to the board at each ~~monthly~~ meeting a list of approved or pending applications for membership received since the previous ~~monthly~~ meeting, together with ~~such~~ other related information as the bylaws or board may require;

B. To fix from time to time the maximum amount, both secured and unsecured, ~~which that~~ may be loaned to any one member, except as limited by chapter 85, and to establish a written loan policy pursuant to section 851, which must be reviewed and ratified at least annually;

C. To authorize the employment of ~~such a~~ person or persons as may be necessary to carry on the business of the credit union; and to fix the compensation of ~~such those~~ employees, including the treasurer;

D. To borrow money to carry on the functions of the credit union, subject to the limitation set forth in section 822;

E. To authorize the conveyance of property;

F. To purchase a blanket bond in an amount ~~which that~~ is not less than an amount recommended by the superintendent, which ~~shall must~~ be required of the treasurer and of each other officer and other employee having custody of funds or property;

G. To limit the number of shares that may be owned by one member or nonmember as provided in section 817, and ~~such that~~ limitation must be applied uniformly;

H. To have charge of the investment of funds and to establish a written investment policy pursuant to section 861, which must be reviewed and ratified at least annually;

I. To perform such other duties as the members may from time to time require;

J. To appoint a supervisory committee of not ~~less~~ fewer than 3 members, not more than one member of which may be a director. If the duties of the supervisory committee are conducted by an independent public accountant and the board has contracted for an annual audit by an independent public accountant pursuant to section 844, a supervisory committee need not be appointed;

K. To appoint a credit committee of not ~~less~~ fewer than 3 members; or to establish a written loan policy ~~which that~~ provides for the designation of one or more loan officers in lieu of a credit committee and ~~with~~ provides that all loans are subject to ratification by the full board;

L. To appoint an executive committee, when the bylaws so provide, consisting of not ~~less~~ fewer than 3 members of the board with authority to invest funds or borrow in the name of the credit union, except that the board may establish a written investment policy ~~which that~~ provides for the designation of a qualified individual to have charge of making investments, subject to ratification by the full board;

M. To suspend any or all members of the credit and supervisory committees for failure to perform their duties;

N. To fill vacancies occurring between annual meetings in the board of directors and in the credit committee and supervisory committee until the election or appointment and qualification of their successors;

O. To establish and provide for compensation of loan officers appointed by the credit committee; and ~~of~~ for auditing assistance requested by the supervisory committee;

P. To designate a depository or depositories for the funds of the credit union;

Q. To declare dividends in the way and manner provided in the bylaws and in accordance with this Part;

R. To determine from time to time the rate of interest consistent with the laws of this State ~~which shall that must~~ be charged on loans; ~~and to determine from time to time~~ and the amount of interest rebate and the interval on which such rebate, if any, ~~shall be~~ is computed; and

S. To perform or authorize any action consistent with this Part not specifically reserved by the by-laws for the members.

Sec. 3. 9-B MRSA §847, sub-§1, as amended by PL 2017, c. 143, §9, is repealed and the following enacted in its place:

1. Grounds for expulsion. A manager or chief executive officer of a credit union may expel from the credit union any member who:

A. Has not carried out the member's engagement with the credit union;

B. Has been convicted of a criminal offense;

C. Neglects or refuses to comply with the provisions of this Part or the bylaws of the credit union;

D. Has deceived the credit union or a committee of the credit union with regard to the use of borrowed money;

E. Has substantially and repeatedly violated the official policies of the credit union;

F. Has demonstrated dangerous, threatening or abusive behavior, as defined in rules adopted by the National Credit Union Administration, in such a way as to disrupt the operations of the credit union;
or

G. Has been convicted of fraud, attempted fraud, conspiracy to commit fraud or other illegal conduct in relation to the credit union, including illegal conduct in which an employee of the credit union was conducting business on behalf of the credit union.

Sec. 4. 9-B MRSA §847, sub-§4 is enacted to read:

4. Expulsion policy; appealing an expulsion.

The manager or chief executive officer of a credit union shall inform an expelled member of the grounds for the expulsion, and the expelled member may appeal the expulsion to the board of directors. A decision by the board regarding an expulsion is final. By January 1, 2025, the board of directors of a credit union shall establish a written expulsion policy and expulsion appeals process that clearly informs members of a member's right to appeal an expulsion decision. The credit union shall annually provide the expulsion policy and expulsion appeals process to members of the credit union.

Sec. 5. 9-B MRSA §856, as enacted by PL 1975, c. 500, §1, is amended to read:

§856. Loans to other credit unions

Subject to the approval of its board of directors, a credit union may make loans to other credit unions ~~located in this State; provided that~~ and to credit unions organized pursuant to provisions of federal law or credit unions organized under the laws of another state as long as the aggregate loans outstanding at any one time to

any one credit union shall do not exceed 10% of the share capital and surplus of the lending credit union.

See title page for effective date.

**CHAPTER 540
S.P. 854 - L.D. 2026**

**An Act to Authorize Medical
Waivers for Menhaden Fishing
Licenses**

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

Sec. 1. 12 MRSA §6310, sub-§1, as amended by PL 2011, c. 266, Pt. A, §3, is further amended to read:

1. Appeal of license denial. A person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person does not meet the eligibility requirements of section 6421, subsection 5, paragraph A; a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person does not meet the eligibility requirements of section 6749-O, subsection 2-A; or a person who is denied a hand fishing scallop license or a scallop dragging license because that person does not meet the eligibility requirements of section 6706, subsection 2; or a person who is denied a resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license because that person does not meet the eligibility requirements of section 6502-C, subsection 1-B may appeal to the commissioner under this section for a review of that license denial.

Sec. 2. 12 MRSA §6310, sub-§2, ¶D is enacted to read:

D. A resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license may be issued to a person on appeal only if a substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license and the person documents that the person fished for menhaden while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this paragraph within one year of the onset of the illness or medical condition.

See title page for effective date.

**CHAPTER 541
S.P. 860 - L.D. 2032**

**An Act to Improve Maine's
Labor Laws by Changing the
Laws Governing Elections of
Collective Bargaining Agents
for Certain Public Employees**

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

Sec. 1. 26 MRSA §979-F, as amended by PL 1981, c. 277, is further amended to read:

§979-F. Determination of bargaining agent

1. Voluntary recognition. Any state employee organization may file a request with the public employer alleging that a majority of the state employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining between the public employer and the employees' organization. ~~Such~~ The request shall ~~must~~ describe the grouping of jobs or positions ~~which that~~ constitute the unit claimed to be appropriate and ~~shall~~ must include a demonstration of majority support. ~~Such~~ The request for recognition shall ~~may~~ be granted by the public employer ~~unless the public employer desires that an election determine whether the organization represents a majority of the members in the bargaining unit.~~

1-A. Majority sign-up. If a request by a state employee organization for recognition pursuant to subsection 1 is not granted by the public employer, the executive director or the executive director's designee shall examine the demonstration of support. If the executive director or the executive director's designee finds that a majority of the employees in a unit appropriate for bargaining have signed valid authorizations designating the employees' organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board may not direct an election but shall certify the employees' organization as the representative. However, if the majority status of the employees in the appropriate unit is in question, the executive director or the executive director's designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

2. Elections.

A. The executive director of the board, or his the executive director's designee upon signed request of a public employer alleging that one or more state employees or state employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of state employees, pursuant to subsection 1-A, or upon signed petition