

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
S.P. 654 - L.D. 1836

**An Act To Amend Maine's Financial Institution Merger Statutes and
Modernize Certain Sections of Title 9-B**

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 following legislation has been submitted by the Department of Professional and Financial Regulation, Bureau of Financial Institutions to make necessary updates to the laws administered by the bureau; and

Whereas, the following legislation also includes clarification of the authority of the Superintendent of Financial Institutions to engage experts if needed to carry out regulatory functions; and

Whereas, having this legislation take effect as soon as possible will provide clarity and certainty to the regulatory functions carried out by the bureau; 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 §212, sub-§4, as amended by PL 1999, c. 184, §6, is further amended to read:

4. Contracts with other state and federal regulatory agencies for regulatory functions. The superintendent may employ and engage experts, and professionals or other personnel ~~of, including~~ other state and federal regulatory agencies, as may be necessary to assist the bureau in carrying out its regulatory functions. The superintendent may contract bureau staff to other state and federal agencies to assist those agencies in carrying out their regulatory functions. Contracts for services under this subsection are designated sole source contracts and are not subject to the procurement requirements of Title 5, chapter 155.

Sec. 2. 9-B MRSA §312, sub-§5, ¶B, as amended by PL 1997, c. 398, Pt. C, §7, is further amended to read:

B. The minimum amount of paid-in capital must be determined by the superintendent, but in no event may it be less than ~~\$100,000~~ \$500,000.

Sec. 3. 9-B MRSA §322, sub-§5, ¶B, as enacted by PL 1975, c. 500, §1, is amended to read:

B. The minimum amount of capital deposits ~~shall~~ must be determined by the superintendent, but in no event ~~shall~~ may it be less than ~~\$100,000~~ \$500,000.

Sec. 4. 9-B MRSA §351, sub-§3-A, as enacted by PL 2007, c. 79, §9, is amended to read:

3-A. Superintendent's approval not required. Notwithstanding subsection 3, if the surviving institution of a merger, consolidation, purchase or assumption is a federally chartered institution and the transaction is subject to approval by its federal regulator, approval by the superintendent is not required. The financial institution shall notify and provide the superintendent a copy of the application filed with the appropriate federal regulator within 3 days of filing with the federal regulator. The Maine charter of the participating financial institution terminates automatically upon completion of the merger, consolidation, purchase or assumption.

Sec. 5. 9-B MRSA §351, sub-§4, as enacted by PL 1997, c. 398, Pt. G, §1, is amended by enacting at the end a new blocked paragraph to read:

Notice and meeting are not required under this subsection if investors or mutual voters unanimously approve the plan of merger or consolidation.

Sec. 6. 9-B MRSA §351, sub-§5, ¶A, as enacted by PL 1997, c. 398, Pt. G, §1, is amended to read:

A. Upon approval by the investors or mutual voters of the participating institutions, the chief executive officer, president or vice-president ~~and the clerk or secretary~~ of each institution shall submit the executed plan of merger or consolidation to the superintendent, together with ~~the resolutions of~~ evidence of approval by the investors or mutual voters approving it, each certified by these officers.

Sec. 7. 9-B MRSA §352, sub-§3, as amended by PL 1997, c. 683, Pt. A, §1, is further amended by enacting at the end a new blocked paragraph to read:

Notice and meeting are not required under this subsection if investors unanimously approve the plan.

Sec. 8. 9-B MRSA §353, sub-§3, as amended by PL 1997, c. 398, Pt. G, §3, is further amended by enacting at the end a new blocked paragraph to read:

Notice and meeting are not required under this subsection if mutual voters unanimously approve the plan.

Sec. 9. 9-B MRSA §373, sub-§3, as enacted by PL 1995, c. 628, §20, is amended by amending the first blocked paragraph to read:

The superintendent shall provide written response within 30 days of receipt of the notice. If the superintendent finds that the interstate combination, acquisition or establishment does

not comply with applicable state law, including, but not limited to, the conditions and requirements of this chapter, the superintendent may file an objection with the appropriate state or federal regulatory agency that has primary responsibility for the applicant. In addition, if the superintendent finds that an interstate combination, branch acquisition or de novo establishment would be adverse to the public interest, the superintendent may bring an action in the name of the State pursuant to chapter 24. The Maine charter of the participating financial institution terminates automatically upon completion of an interstate combination done in conformity with this subsection that results in an out-of-state financial institution, federal association or national bank.

Sec. 10. 9-B MRSA §429, sub-§2, as amended by PL 2003, c. 263, §2, is further amended to read:

2. Payment of interest or dividends. Each mortgagee holding funds of a mortgagor in a required escrow account on behalf of itself or another mortgagee for the payment of taxes or insurance premiums with respect to mortgaged property located in this State shall pay the mortgagor, at least quarterly, dividends or interest on the account at a rate of not less than 50% of the 1-year Treasury ~~Note rate~~ Bill secondary market rate or rate of a comparable instrument if the 1-year Treasury ~~Note~~ Bill is not offered, as published electronically by the Federal Reserve System or in a financial newspaper of national circulation, as of the first business day of the year in which the quarterly interest or dividend is paid. The dividends or interest paid under this subsection may not be reduced by any charge for service or maintenance of the account.

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