

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 53 - L.D. 114

An Act to Make Technical Amendments to Banking Laws

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

Sec. 1. 9-B MRSA §214, sub-§2, ¶A, as amended by PL 2003, c. 322, §6, is further amended to read:

A. To provide for the balance of the reasonable expenses incurred to fulfill the bureau's duty pursuant to this Title, including general regulatory costs, overhead, transportation and general office and administrative expenses, except as otherwise provided in this paragraph, the superintendent shall assess each financial institution under the superintendent's supervision at the annual rate of at least 6¢ for each \$1,000 of the total of average assets, as defined by the superintendent. The frequency of assessment may coincide with the frequency of filing periodic financial reports with the bureau but may not be more frequent than quarterly. The superintendent may raise the minimum assessment rate of 6¢ for each \$1,000 of the total of average assets by ~~promulgating~~ adopting rules pursuant to section 251 at such time as economic conditions warrant such an increase. ~~In~~ Except as otherwise provided in this paragraph, in no event may the assessment be less than \$25. The superintendent may lower or suspend by rule or order any assessment specified in this paragraph or established by rule pursuant to this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 9-B MRSA §214, sub-§2-B, as amended by PL 2003, c. 322, §7, is further amended to read:

2-B. Assessment on nondepository trust companies. ~~Nondepository~~ Except as otherwise provided in this subsection, nondepository trust companies that are not affiliated with a financial institution shall pay an assessment at the annual rate of not less than \$2,000 or an amount determined by the superintendent of at least 6¢ for every \$10,000 of fiduciary assets under its management, custody or care. The superintendent may further define by rule fiduciary assets under management, custody or care or change the minimum assessment whenever economic conditions warrant such a change. The superintendent may lower or suspend by rule or order any assessment specified in this subsection or established by rule pursuant to this subsection. Rules adopted pursuant to this subsection are routine

technical rules as defined in Title 5, chapter 375, subchapter 2-A. These assessments must be paid in accordance with subsection 2, paragraph B.

Sec. 3. 9-B MRSA §223, sub-§2, as amended by PL 2009, c. 228, §3, is further amended to read:

2. Reports posted in offices. Every ~~financial institution~~ limited purpose bank shall make available in all of its offices at least 10 days, but not more than 30 days, prior to the annual meeting of its stockholders, corporators ~~or~~, members or other holders of equity interests, its latest condition report or a condition report for its most recently completed fiscal year, and a report of income for the institution's most recently completed fiscal year. In addition to making available its latest condition report or condition report for its most recently completed fiscal year, a ~~nondepository trust company~~ limited purpose bank shall make available a report of its fiduciary assets and income. Every federally insured financial institution shall post a notice in its main office that the financial institution's latest condition and income reports are available to the public upon request.

Sec. 4. 9-B MRSA §252, sub-§2, ¶C, as repealed and replaced by PL 1977, c. 694, §159, is amended to read:

C. The superintendent may suspend or postpone action on an application after the first publication of notice pursuant to paragraph B, upon written request of the applicant or on ~~his~~ the superintendent's own initiative for good cause shown. Good cause includes a judgment by the superintendent that the bureau lacks the present capacity to adequately ensure the safety and soundness of the proposed institution or activity. The superintendent shall promptly provide notice of any suspension or postponement in the same manner and in the same publications in which the original notice of application was provided. If and when action is resumed on the application, the superintendent shall again provide notice in the same manner and in the same publications in which the preceding notices were provided.

Sec. 5. 9-B MRSA §367-A, sub-§6, as enacted by PL 2005, c. 83, §10, is amended to read:

6. Mergers. The conservator or receiver, with the approval of the superintendent, may order the merger or consolidation of any financial institution that is described in section 363-A or 365 with any other financial institution, state-chartered or federally chartered, with the consent of the other financial institution and may prescribe the mode or procedure for the merger or consolidation and the terms and conditions of the merger or consolidation. Unless limited by the conservator or receiver, the effect of the merger on various property interests and fiduciary designations of the resulting institution is the same as described for mergers subject to section 357, subsection 1.

Sec. 6. 9-B MRSA §367-A, sub-§7 is enacted to read:

7. Fiduciary accounts. A conservator or receiver may terminate fiduciary positions of the financial institution, surrender property held by the financial institution as a fiduciary and settle fiduciary accounts. The conservator or receiver may release fiduciary property to one or more successor fiduciaries, and may sell one or more fiduciary accounts to one or more successor fiduciaries. Upon a sale or transfer of a financial institution's fiduciary property or a fiduciary account by a conservator or receiver, the successor fiduciary is automatically substituted without further action and without any order of any court. The

conservator or receiver shall provide notice of the substitution, as far as practicable, to each person to whom the financial institution provides periodic reports of fiduciary activity. The notice must include the name of the financial institution, the name of the successor fiduciary and the effective date of the substitution. The successor fiduciary has all of the rights, powers, duties and obligations of the transferring financial institution and is deemed to be named, nominated or appointed as fiduciary in any will, trust, court order or similar written document or instrument that names, nominates or appoints the transferring financial institution as fiduciary, whether executed before or after the substitution. The successor fiduciary has no obligations or liabilities under this chapter for any acts, actions, inactions or events occurring prior to the effective date of the substitution.

Sec. 7. 9-B MRSA §1231, as enacted by PL 1997, c. 398, Pt. J, §2, is amended to read:

§1231. General authority and purpose

A financial institution engaged in the business of banking that does not accept retail deposits and for which insurance of deposits by the FDIC is not required may be organized pursuant to chapter 31. Unless otherwise indicated in this chapter, an uninsured bank has all the powers, rights, duties and obligations as a financial institution under this Title. An uninsured bank is not a nondepository trust company or a merchant bank.