



131st MAINE LEGISLATURE

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Legislative Document

No. 114

S.P. 53

In Senate, January 9, 2023

An Act to Make Technical Amendments to Banking Laws

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BAILEY of York.

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

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

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

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

21 **2-B. Assessment on nondepository trust companies.** ~~Nondepository~~ Except as
22 otherwise provided in this subsection, nondepository trust companies that are not affiliated
23 with a financial institution shall pay an assessment at the annual rate of not less than \$2,000
24 or an amount determined by the superintendent of at least 6¢ for every \$10,000 of fiduciary
25 assets under its management, custody or care. The superintendent may further define by
26 rule fiduciary assets under management, custody or care or change the minimum
27 assessment whenever economic conditions warrant such a change. The superintendent may
28 lower or suspend by rule or order any assessment specified in this subsection or established
29 by rule pursuant to this subsection. Rules adopted pursuant to this subsection are routine
30 technical rules as defined in Title 5, chapter 375, subchapter 2-A. These assessments must
31 be paid in accordance with subsection 2, paragraph B.

32 **Sec. 3. 9-B MRSA §252, sub-§2, ¶C**, as repealed and replaced by PL 1977, c. 694,
33 §159, is amended to read:

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

1 emerging business models in a manner that protects the public and ensures the safety and
2 soundness of the institution.

3 The bill amends the processes for liquidations of financial institutions to provide that,
4 like standard mergers, fiduciary accounts are automatically transferred to the surviving
5 institution in the event of a merger conducted as part of a liquidation, thus removing the
6 need for such accounts to be transferred by court processes or obtaining consent of account
7 beneficiaries.

8 The bill clarifies that an uninsured bank must be engaged in the business of banking in
9 order to be organized under the laws governing investor-owned institutions.