

CHAPTER 83

FINANCIAL MANAGEMENT

§831. Share capital and surplus

1. Amount and par value of share capital.

A. The capital of a credit union shall be unlimited in amount and shall consist of shares which may be subscribed to and paid for in such manner as the bylaws may prescribe. [PL 1975, c. 500, §1 (NEW).]

B. The par value of such shares may be established by the credit union in its bylaws, in an amount not less than \$5 per share, provided that par values in excess of \$5 per share shall be in multiples of \$5. [PL 1983, c. 51, §3 (AMD).]

C. The maximum amount of shares that may be held by any one member or nonmember as provided in section 817 must be established from time to time by resolution of the board of directors. [PL 1997, c. 108, §10 (AMD).]

[PL 1997, c. 108, §10 (AMD).]

2. **Share transactions.** The provisions of sections 422-A, 427, 428 and 429 are applicable to shares or accounts in a credit union.

[PL 2003, c. 322, §19 (AMD).]

3. **Surplus.** "Surplus" or "total surplus" or "net worth" of a credit union means the balance of its retained earnings, which consists of undivided earnings, regular reserves, a guaranty fund and any other account approved by the superintendent.

[PL 2017, c. 143, §5 (AMD).]

4. **Requirement.** A credit union shall establish and maintain adequate levels of net worth under rules adopted by the superintendent. Rules under this subsection must address, at a minimum, composition of net worth, net worth levels that must be maintained and procedures that must be followed to restore net worth if the net worth becomes impaired or falls below the minimum standards. Minimum net worth requirements established by the superintendent may be no less stringent than those applicable to a federally chartered institution with a similar charter.

[PL 2017, c. 143, §6 (NEW).]

5. **Exception.** The superintendent may approve in writing net worth levels below the required minimum as the superintendent considers necessary or appropriate under the particular circumstances of a credit union.

[PL 2017, c. 143, §6 (NEW).]

6. **Approval.** A proposed issuance of securities considered to be net worth under subsection 4 or under rules adopted under subsection 4 must be submitted to the superintendent for the superintendent's approval at least 10 days prior to issuance and include any documentation the superintendent considers necessary.

[PL 2017, c. 143, §6 (NEW).]

7. **Rulemaking.** The superintendent may adopt rules to implement this section or to determine the amount of net worth required under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. In the absence of rulemaking, a credit union shall follow the capital adequacy standards established by the National Credit Union Administration or a successor institution. In the event standards established by the National Credit Union Administration or a successor institution require the credit union to accumulate or maintain

accounts in an amount in excess of the standard established by the superintendent, the credit union shall accumulate and maintain such accounts in a manner sufficient to satisfy the requirements of the National Credit Union Administration or a successor institution.

[PL 2017, c. 143, §6 (NEW).]

SECTION HISTORY

PL 1975, c. 500, §1 (NEW). PL 1983, c. 51, §3 (AMD). PL 1997, c. 108, §§10,11 (AMD). PL 2003, c. 322, §19 (AMD). PL 2017, c. 143, §§5, 6 (AMD).

§832. Guaranty fund

(REPEALED)

SECTION HISTORY

PL 1975, c. 500, §1 (NEW). PL 1979, c. 134, §§1,2 (AMD). PL 1979, c. 663, §54 (AMD). PL 2003, c. 322, §§20,21 (AMD). PL 2017, c. 143, §7 (RP).

§833. Dividends and interest

1. Time for payment; method.

[PL 2003, c. 322, §22 (RP).]

1-A. Time for payment of dividends; method. At such intervals as the board of directors may authorize and after the credit union establishes and maintains adequate levels of net worth pursuant to section 831, the board of directors may declare a dividend to be paid at different rates on different types of shares, at different rates and maturity dates in the case of share certificates and at different rates on different types of share draft accounts. Dividends credited may be accrued on various types of shares, share certificates and share draft accounts as authorized by the board of directors.

[PL 2017, c. 143, §8 (AMD).]

2. Rates on different accounts.

[PL 2003, c. 322, §24 (RP).]

3. Maximum dividend rate.

[PL 1981, c. 501, §35 (RP).]

3-A. Dividend rate.

[PL 2003, c. 322, §25 (RP).]

4. Tax exemption. Shares in a credit union organized pursuant to this Part shall be exempt from taxes; and no taxes or charges, except as otherwise provided, shall be levied against them.

[PL 1975, c. 500, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 500, §1 (NEW). PL 1981, c. 501, §§35,36 (AMD). PL 1997, c. 398, §L8 (AMD). PL 2003, c. 322, §§22-25 (AMD). PL 2017, c. 143, §8 (AMD).

§834. Fiscal year

The fiscal year of a credit union shall end as of the close of business on the last business day of December. [PL 1975, c. 500, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 500, §1 (NEW).

§835. Reports to superintendent

(REPEALED)

SECTION HISTORY

PL 1975, c. 500, §1 (NEW). PL 2003, c. 322, §26 (RP).

§836. Insurance of shares

1. Requirement. Every credit union authorized to do business in this State shall insure shares with the National Credit Union Administration or the successor to such federal agency.

[PL 1997, c. 108, §12 (AMD).]

2. Transition period.

[PL 2003, c. 322, §27 (RP).]

3. Failure to obtain insurance.

[PL 2003, c. 322, §28 (RP).]

4. Applicable law. A credit union insured pursuant to subsection 1 shall have the power and duty to comply with all statutes and regulations governing insurance of shares by the National Credit Union Administration; provided that nothing contained in this section shall be construed as repealing, modifying or impairing any powers, duties, rights or responsibilities of the superintendent, or of the credit union so insured, under the provisions of this Title.

[PL 1975, c. 500, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 500, §1 (NEW). RR 1997, c. 2, §37 (COR). PL 1997, c. 108, §12 (AMD). PL 2003, c. 322, §§27,28 (AMD).

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