

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1971

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Fifth Legislature  
1971

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days nor more than 60 days of the imposed sentence and place him on probation for a period of 2 years, provided he has not previously served a prison sentence. Such probation shall commence at the time of imposition of sentence.

Effective September 23, 1971

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## Chapter 349

### AN ACT Relating to Authority of Trustees.

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

R. S., T. 18, § 3955, additional. Title 18 of the Revised Statutes is amended by adding a new section 3955, to read as follows:

#### § 3955. Authority of trustees

1. Authority. In the absence of contrary or limiting provisions in the court order or decree appointing the trustees or in any subsequent order or decree or in the will or other instrument, every trustee is authorized:

A. To accept additions to any estate or trust from other sources as well as from the estate of the decedent or the settlor of a trust;

B. To acquire the remaining undivided interest in the property of a trust in which the trustee, in his fiduciary capacity, holds an undivided interest;

C. To invest and reinvest property of the trust under the provisions of the will or other instrument or as otherwise provided by law;

D. To effect and keep in force fire, rent, title, liability, casualty or other insurance to protect the property of the trust and to protect the trustee;

E. With respect to any real property or any estate therein owned by a trust, except where such property or any estate therein is specifically disposed of:

(1) To take possession of, collect the rents from and manage the same;

(2) To sell the same at public or private sale, and on such terms as in the opinion of the trustee will be most advantageous to those interested therein;

(3) To lease the same for any term of years;

(4) To make ordinary repairs to the property of the trust; and

(5) To grant options for the sale of property for a period not exceeding 6 months;

F. With respect to any mortgage held by the trust ;

(1) To continue the same upon and after maturity, with or without renewal or extension, upon such terms as trustee deems advisable ;

(2) To foreclose, as an incident to collection of any bond or note, any mortgage securing such bond or note, and to purchase the mortgaged property or acquire the property by deed from the mortgagor in lieu of foreclosure ;

G. To contest, compromise or otherwise settle any claim in favor of the trust or in favor of 3rd persons and against the trust ;

H. To vote in person or by proxy, discretionary or otherwise, shares of stock or other securities held by him as trustee ;

I. To pay calls, assessments and any other sums chargeable or accruing against or on account of shares of stock, bonds, debentures or other corporate securities held by the trustee, whenever such payments may be legally enforceable against the trustee or any property of the trust or the trustee deems payment expedient and for the best interests of the trust ;

J. To sell or exercise stock subscription or conversion rights, participate in foreclosures, reorganizations, consolidations, mergers or liquidations, and to consent to corporate sales, leases and encumbrances. In the exercise of such powers the trustee is authorized to deposit stocks, bonds or other securities with any protective or other similar committee under such terms and conditions respecting the deposit thereof as the trustee may approve ;

K. To execute and deliver agreements, assignments, bills of sale, contracts, deeds, leases, notes, receipts and any other instrument necessary or appropriate for the administration of the trust ;

L. To distribute in kind any property at its fair value at the date of distribution.

2. Other powers. The court having jurisdiction of the trust may authorize the trustee to exercise any other power which in the judgment of the court is necessary for the proper administration of the trust.

3. Additional. The powers set forth in this section are in addition to the powers granted by law or by the will or other instrument.

4. Definitions. As used in this section :

A. "Trust" means an express trust created by a trust instrument, including a will, whereby a trustee has the duty to administer a trust asset for the benefit of a named or otherwise described income or principal beneficiary, or both ; "trust" does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, an investment trust, a voting trust, a security instrument, a trust created by the judgment or decree of a court, a liquidation trust, or a trust for the primary purpose of paying dividends, interests, interest coupons, salaries, wages, pensions or profits, or employee benefits of any kind, an instrument wherein

a person is nominee or escrowee for another, a trust created in deposits in any financial institution, or other trust the nature of which does not admit of general trust administration;

B. "Trustee" means an original, added or successor trustee.

Effective September 23, 1971

## Chapter 350

### AN ACT to Provide Hospital Administrators under the Department of Mental Health and Corrections.

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

Sec. 1. R. S., T. 5, § 711, sub-§ 11, additional. Section 711 of Title 5 of the Revised Statutes, as amended, is further amended by adding at the end a new subsection 11 to read as follows:

11. Superintendents of institutions. The Superintendent of the Augusta State Hospital, the Superintendent of the Bangor State Hospital and the Superintendent of the Pineland Hospital and Training Center.

Sec. 2. R. S., T. 34, § 1, amended. The 4th and 5th sentences of the 2nd paragraph of section 1 of Title 34 of the Revised Statutes are amended to read as follows:

Said commissioner shall have the power to appoint institutional heads as shall be necessary for the proper performance of the duties of said department ~~subject to the Personnel Law~~; such appointments shall be subject to the Personnel Law, except as otherwise provided in this Title. He may appoint such other employees as may be necessary ~~subject to the Personnel Law~~; such other appointments shall be subject to the Personnel Law, except as otherwise provided in this Title.

Sec. 3. R. S., T. 34, § 2102, repealed and replaced. Section 2102 of Title 34 of the Revised Statutes, as amended by section 1 of chapter 237 of 1967, is repealed and the following enacted in place thereof:

§ 2102. Superintendents; appointment of; power and duties

The head of each hospital shall be called the superintendent. The commissioner shall, with the advice and consent of the Advisory Committee on Mental Health, appoint, and set salaries for, the superintendent of each hospital. The appointments shall be for a term of 4 years and until his successor is appointed and qualified, or during the pleasure of the commissioner and the Advisory Committee on Mental Health. The superintendent shall be a qualified psychiatrist, a qualified hospital administrator, a licensed psychologist, or a person with a master's degree in social work, public administration or public health. In making the appointment, the commissioner and advisory committee shall give due consideration to the appointee's qualifications and experience in administration, and to his qualifications and experience in