

MAINE STATE LEGISLATURE

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EXHIBIT "B."

Sixty-Seventh Legislature.

SENATE.

No. 4.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-FIVE.

AN ACT to provide for the incorporation and regulation
of Safe Deposit and Trust Companies.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. Chapter 47 of the Revised Statutes is
2 hereby amended by adding thereto the following sections,
3 namely:

SECT. 152. Trust and safe deposit companies may be
5 organized in the manner provided herein for the organiza-
6 tion of savings banks and trust and loan associations, and
7 upon the filing of any certificate of authorization of a trust

8 and safe deposit company with the secretary of state as so
9 provided, the persons therein named, their associates,
10 successors and assigns shall thereupon and thereby be
11 constituted a body corporate and politic and such body
12 may make and use a common seal, hold, manage and con-
13 vey real and personal property, sue and be sued, prose-
14 cute and defend suits at law and in equity and have per-
15 petual succession, by its corporate name, and make and
16 ordain by-laws for its government, not repugnant to the
17 constitution and laws.

SECT. 153. A certificate of authorization issued by the
19 bank examiner shall provide the method of calling the
20 first meeting of the company, which company shall pay
21 said examiner for his services in advance.

SECT. 154. The capital stock of such corporation shall
23 be fifty thousand dollars with the right of increase as pro-
24 vided by law, and it shall not commence the transaction
25 of business except as provided in section 155, until one-
26 half of its capital stock has been paid in. The stock shall
27 be divided into shares of one hundred dollars each, and
28 be assignable in the manner provided in the by-laws.

SECT. 155. Every such corporation may construct, own
30 and maintain safe deposit vaults with boxes, safes and other
31 facilities therein, to be rented to other parties for the safe
32 keeping of moneys, securities, stocks, jewelry, plate,
33 valuable papers and documents, and other property suscep-
34 tible of being deposited therein ; and may receive on deposit

35 for safe keeping property of any kind entrusted to it for
36 that purpose.

SECT. 156. It may receive on deposit securities and
38 stock and collect and disburse the income and prin-
39 cipal thereof as they severally become due; may act as
40 agent for the purpose of issuing, registering or counter-
41 signing the certificates of stock, bonds or other evidences
42 of indebtedness on any corporation, association or public
43 municipality; and may be the trustee in any mortgage
44 made by any person or corporation to secure an indebted-
45 ness and perform all the duties required of the trustee by
46 the terms of said mortgage.

SECT. 157. It may receive moneys on deposit; invest
48 and loan moneys; act as agent for the purchase and sale of
49 stocks and securities; issue letters of credit; and do all
50 other acts incident to a trust and banking business, and
51 have all the necessary powers and privileges therefor.

SECT. 158. Any court of law or of equity, including
53 courts of probate and insolvency, may, by decree or other-
54 wise, direct any moneys or properties under its control,
55 or that may be paid into court by parties to any legal
56 proceedings, or which may be brought into court by
57 reason of any order or judgment, or otherwise, to be
58 deposited with such corporation, upon such terms and sub-
59 ject to such instructions as may be deemed expedient.
60 Such corporations shall have power to receive and hold
61 moneys or property in trust or on deposit, from executors,
62 administrators, assignees, guardians, trustees, corpora-

63 tions, officers of municipalities, savings banks and trust
64 companies, upon such terms and conditions as may be
65 agreed upon. Any such deposits or transfers of property
66 in trust, when so made by such courts, persons, corpora-
67 tions, officers and institutions, shall be taken to be a law-
68 ful investment and disposition thereof.

SECT. 159. All money or property held in trust under
70 the preceding section, or by any instrument whatever
71 creating a specific trust, unless otherwise therein provided,
72 shall constitute a special deposit and the accounts thereof
73 shall be kept separate, and such funds and the investments
74 or loans thereof shall be specially appropriated to the
75 security and payment of such deposits and not be subject
76 to any other liabilities of the corporation; and for this
77 purpose every such corporation shall have a trust depart-
78 ment in which all business pertaining to such trust prop-
79 erty shall be kept separate and distinct from its general
80 business; provided, however, that the party making the
81 deposit may direct that it shall be held or invested as a
82 specific fund and not in the general trust fund of the cor-
83 poration.

SECT. 160. Such corporations may hold estate real and
85 personal in this State or elsewhere, for the purposes of its
86 business and the investment of its funds.

SECT. 161. The shares of stock in such corporations
88 shall be taxed in the same manner as shares of stock in
89 national banks are taxed.

SECT. 162. All the corporate powers of such corporations shall be exercised by a board of trustees, whose number and term of office shall be determined by a vote of the shareholders at the first meeting held by the incorporators and at each annual meeting thereafter. The affairs and powers of the corporation may, at the option of the shareholders, be entrusted to an executive board of five members, to be, by vote of the shareholders, elected from the full board of trustees. A majority of said board shall reside in this state.

SECT. 163. The stockholders of every such corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

SECT. 164. The bank examiner shall have access to the vaults, books and papers of the company, and it shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if such corporation was a savings bank, subject to all the general laws which are now or may hereafter be in force relating to such institutions in this regard.

SECT. 165. Such corporation shall, at all times, have on hand in lawful money, as a reserve, not less than twenty-five per cent of the aggregate amount of all its deposits, which are subject to withdrawal on demand;

118 provided, in lieu of lawful money, two-thirds of said
119 twenty-five per cent may consist of balances, payable on
120 demand, due from any national or state banks.

SECT. 2. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 3, 1895.

Read, and on motion by Mr. SPOFFORD of Hancock, laid on the table
to be printed.

KENDALL M. DUNBAR, *Secretary*.