

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

NINETY - SECOND LEGISLATURE

Legislative Document

No. 1241

Reported by Mr. Dow of Oxford for Committee on Judiciary.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SIX

Committee Amendment "A" to S. P. 465, L. D. 1216, Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945."

Amend said Bill by striking out all of section 14 and inserting in place thereof the following:

**'Sec. 14. R. S., c. 18, § 7, amended.** Section 7 of chapter 18 of the revised statutes is hereby amended to read as follows:

**"Sec. 7. Fees payable by public officers to secretary of state.** A fee of \$5 shall be paid to the secretary of state by any person appointed to the office of justice of the peace, trial justice, notary public, inspector of fish, commissioner to take depositions and disclosures, disclosure ~~commissioners~~ **commissioner, and** commissioner appointed under section 24 of chapter 154, ~~and by any woman appointed to administer oaths and take acknowledgement of deeds, before he or she~~ **such person** enters upon the discharge of his ~~or her~~ official duties."

Further amend said Bill by adding at the end thereof 3 new sections to be numbered 77, 78 and 79, to read as follows:

**'Sec. 77. R. S., c. 55, § 34, amended.** Section 34 of chapter 55 of the revised statutes is hereby amended to read as follows:

**"Sec. 34. Authority to pay any order notwithstanding death of drawer.** Any **bank**, savings bank or trust company may pay any order drawn by any person who has funds on deposit to meet the same, notwithstanding the

death of the drawer in the interval of time between signing such order and its presentation for payment, when said presentation is made within 30 days after the date of such order; and at any subsequent period, provided the corporation has not received actual notice of the death of the drawer.'

**Sec. 78. R. S., c. 55, § 35, amended.** Section 35 of chapter 55 of the revised statutes is hereby amended to read as follows:

**Sec. 78. R. S., c. 55, § 35, amended.** Section 35 of chapter 55 of the revised statutes is hereby amended to read as follows:

**'Sec. 35. Deposits of married women or minors are property of depositors.** Money deposited in a **bank**, savings bank or trust company by a married woman is her property and she may maintain an action in her own name to recover it. Money deposited in the name of a minor is his or her property, and the corporation may, in the discretion of the officer making the payment, pay the same to such minor or upon his or her order or to his or her guardian, and such payment shall be valid. The foregoing provisions as to ownership do not apply to money belonging to a third person and fraudulently deposited by or in the name of a married woman or minor, but payment to such married woman or minor by said **bank**, savings bank or trust company, without notice of such fraud, shall be valid. The receipt of such married woman or minor for such deposits and interest, or any part thereof, is a valid release and shall discharge the corporation.'

**Sec. 79. R. S., c. 55, § 36, amended.** Section 36 of chapter 55 of the revised statutes is hereby amended to read as follows:

**'Sec. 36. Deposits, or loan and building shares, in the names of 2 or more persons.**

**I.** When a deposit has been made or shall hereafter be made in any **bank**, savings bank or trust company, or shares have been already issued or shall be hereafter issued in any loan and building association transacting business in this state, in the names of two or more persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or the interest or dividends thereon may be paid to any or either of said persons, whether the other or others be living or not, or to the legal representative of the survivor of said persons, and the receipt or acquittance of the persons to whom said payment is so made shall be a valid and sufficient release and discharge to such **bank**, savings bank, trust company, or loan and building association for any payment so made.

**II.** All such accounts opened or such shares in loan and building associations issued on or after the 1st day of August, 1929, payable to

either of two or more, or the survivor, up to, but not exceeding an aggregate value of \$3,000, exclusive of interest and dividends, in the name of the same persons in all savings banks, loan and building associations, or trust companies within this state, together with the additions thereto and increment thereof, including interest and dividends, shall, in the absence of fraud or undue influence, upon the death of any of such persons, become the sole and absolute property of the survivor or survivors, even though the intention of all or any one of the parties be in whole, or in part, testamentary, and though a technical joint tenancy be not in law or fact created.

**III.** Accounts so opened and shares so issued prior to August 1st, 1929 may be brought within the provisions of this section by written declaration in form to be prescribed by the bank commissioner, executed by all such depositors or share owners, and delivered to any such **bank**, savings bank, trust company, or loan and building association, which declaration shall bind each and every signer thereof, his heirs, executors, administrators, and assigns. In case such declaration be signed by one or more, but not all of the depositors named in such account, or share owners, such declaration shall be effective as against the person or persons signing the same, his and their heirs, executors, administrators, and assigns; but shall not be effective as against those not so signing.

**IV.** The provisions of subsections II and III above mentioned apply only to accounts opened in **banks**, savings banks or trust companies, or shares in loan and building associations, made payable to persons or to either or the survivor who are husband or wife, parent or child.”