

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 15

S. P. 41

In Senate, January 9, 1947.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Dunbar of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Trustee Process Against Banks.

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

R. S., c. 101, § 5, amended. Section 5 of chapter 101 of the revised statutes, as amended by chapter 131 of the public laws of 1945, is hereby further amended to read as follows :

‘Sec. 5. County in which action must be brought; libel for divorce. If all the trustees live in the same county, the action shall be brought there; if they reside in different counties, in any county in which one of them resides; and in a trustee process against a corporation, its residence shall be deemed to be in the county in which it has its established or usual place of business, held its last annual meeting, or usually holds its meetings; except in a suit in which a railroad corporation is named and alleged as trustee, the action may be brought in any county in which said railroad corporation runs and operates its road; **except in a suit in which a banking institution is named and alleged as trustee, the action may be brought in any county in which said banking institution maintains a place of business.**

Provided, however, that when a libel for divorce is inserted in a trustee writ, the action must be brought in the county in which the court has jurisdiction over the parties named in the libel, and the alleged trustee, although residing in another county, may be summoned to appear in the

county in which said court has jurisdiction over the parties named in the libel, and must answer and make disclosure in such county; and the court sitting therein shall have full power and authority to award from the funds found to be held by the alleged trustee and belonging to the libelee, such sum or sums as it may deem proper as an award for alimony or in lieu thereof.'