

MAINE STATE LEGISLATURE

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

Legislative Document

No. 897

H. P. 1574

House of Representatives, February 18, 1949.

Referred to Committee on Banks and Banking. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. White of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Deposits in a Fiduciary's Personal Account.

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

§ R. S., c. 55, § 179-C, additional. Chapter 55 of the revised statutes is hereby amended by adding thereto a new section to be numbered 179-C and to read as follows:

‘Sec. 179-C. Deposits in a fiduciary's personal account. If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account against which he is empowered to sign as a fiduciary, or of checks drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon, the bank receiving such deposit may assume, if acting in good faith and without actual knowledge to the contrary, that the funds so deposited by the fiduciary are funds to which the fiduciary is personally entitled. Nothing contained in this section shall be deemed to modify or otherwise affect any provision of section 56 of the negotiable instruments law, nor to relieve such bank from any liability imposed upon it by law to the extent of any payment or amount which such bank may receive for its benefit from any withdrawal or application of such funds so deposited.

I. "Fiduciary" includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust, or estate.

II. "Person" includes a corporation, partnership, or other association, or 2 or more persons having a joint or common interest.

III. "Principal" includes any person to whom a fiduciary as such owes an obligation.

IV. An act is done "in good faith" when it is done in fact honestly, whether it be done negligently or not.'