

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 756**

S. P. 317

In Senate, February 16, 1951

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Haskell of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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**AN ACT Relating to the Establishment and Use of Common Trust Funds.**

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

Sec. 1. R. S., c. 55, §§ 223-225, additional. Chapter 55 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 223 to 225, inclusive, to read as follows:

**'Common Trust Funds**

Sec. 223. Establishment of common trust funds. Any bank or trust company qualified to act as fiduciary in this state may establish common trust funds for the purpose of furnishing investments to itself as fiduciary or to itself and others, as co-fiduciaries; and may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds, if such investment is not prohibited by the instrument, judgment, decree or order creating such fiduciary relationship, and if, in the case of co-fiduciaries, the bank or trust company procures the consent of its co-fiduciaries to such investment. Any person acting as a co-fiduciary with any such bank or trust company is hereby authorized to consent to the investment in such interests.

Sec. 224. Court accountings. Unless ordered by decree of the supreme judicial court or of the superior court, in equity, the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it, as accountant, may by petition to the supreme judicial court, the superior court, or the probate court, in the county where the accountant has its principal place of business, secure approval of such accounting on such conditions as the court may establish. Whenever a petition for the allowance of such an account is presented, the judge of the court having jurisdiction thereof shall assign a time and place for hearing and shall cause public notice thereof to be given, meaning thereby notice published 3 weeks successively in a newspaper published in the county whose court has jurisdiction; and in addition thereto said judge shall, except to such extent as the several instruments creating the trusts participating in such common trust fund provide otherwise, order personal notice upon all known present beneficiaries of the participating trust estates who have a place of residence known to the accountant. Personal notice to known present beneficiaries having a place of residence known to the accountant shall denote service by a copy given in hand, or left at such known place of residence 7 days at least before the time of hearing, or, in the discretion of the court, by written notice deposited in the mail addressed to each such present known beneficiary at his place of residence at least 7 days before the time for hearing. "Place of residence known to the accountant" as used in this section shall include only places of residence actually known to the accountant, and shall not include residences which could be discovered upon investigation but which do not in the due course of business come to the actual knowledge of the accountant. The allowance of such an account shall be conclusive as to all matters shown therein upon all persons then or thereafter interested in the funds invested in said common trust funds.

Sec. 255. Time of taking effect. Sections 223 to 225, inclusive, shall take effect September 1, 1951 and shall apply to fiduciary relationships then in existence or thereafter established.'

Sec. 2. R. S., c. 55, § 105, amended. The 1st sentence of section 105 of chapter 55 of the revised statutes is hereby amended to read as follows:

~~All~~ Except as to common trust funds established under the provisions of section 223, all securities, money and property received by any trust company to be held in trust shall be kept separate and apart from the other assets of the company, in a trust department to be established and maintained by such company; the assets belonging to each trust, except those

held in such common trust funds, being listed and kept separate from those belonging to any other trust.'

**Sec. 3. Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.