

# MAINE STATE LEGISLATURE

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# NINETY-SEVENTH LEGISLATURE

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**Legislative Document**

**No. 674**

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S. P. 241

In Senate, February 10, 1955

Referred to the Committee on Appropriations and Financial Affairs, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Collins of Aroostook.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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### AN ACT Relating to the Custody of State Funds.

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

**Sec. 1. R. S., c. 18, § 15, amended.** The last sentence of the 1st paragraph of section 15 of chapter 18 of the revised statutes is hereby repealed and the following enacted in place thereof:

**'The provisions of this section shall not prevent the deposit for safekeeping or custodial care of the securities of the several funds of the State in banks or safe deposit companies in this State or any other state, nor the deposit of such State funds as may be required by the terms of custodial contracts or agreements as may be hereafter negotiated in accordance with the laws of this State. All custodial contracts and agreements shall be subject to the approval of the Governor and the Executive Council.'**

**Sec. 2. R. S., c. 18, § 18, amended.** Section 18 of chapter 18 of the revised statutes is hereby amended by adding at the end thereof 4 new paragraphs as follows:

**'The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Commissioner and the Attorney General, shall have the power to enter into contracts or agreements with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the negotiable securities belonging to the permanent trust funds of this State. Such services shall consist of the safekeeping of said negotiable securities in vaults of the bank or safe deposit company, preparation of coupons for collection, the actual collection of such coupons, periodical checks of the portfolio deposited for safekeeping to determine**

all calls for redemption, in whole or in part, of any bonds owned by such funds, and any other fiscal service which is normally covered in a custodial contract or agreement.

The Treasurer of State is hereby empowered to arrange for the payment for such services, either by cash payments to be charged pro rata to the income of such trust funds, or by an agreement for a compensating deposit balance with the bank in question, in lieu of such cash payment, or by some combination of both methods of payment. The contracting bank shall give assurance of proper internal safeguards, which are usual to such contracts, and shall furnish insurance protection satisfactory to both parties.

The Treasurer of State shall be empowered to withdraw or deposit securities from or with the custodian as circumstances may require, all withdrawal orders or delivery instructions to bear the approval in writing of the Bank Commissioner and that of either or both the Attorney General and the Commissioner of Finance and Administration.

All contracts and agreements entered into between the Treasurer of State and the custodian banks and safe deposit companies for the safekeeping or custodial care of the negotiable securities of the permanent trust funds of the State shall have the approval of the Governor and the Executive Council.'

Sec. 3. R. S., c. 18, § 19, amended. Section 19 of chapter 18 of the revised statutes is hereby amended by adding at the end thereof 4 new paragraphs to read as follows:

'The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Commissioner and the Commissioner of Education, shall have the power to enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the negotiable securities belonging to any trust fund created from funds derived or that may be derived from the sale and lease of lands reserved for public uses. Such services shall consist of the safekeeping of said negotiable securities in the vaults of the bank or safe deposit company, preparation of coupons for collection, the actual collection of such coupons, periodical checks of the portfolio deposited for safekeeping to determine all calls for redemption, in whole or in part, of any bonds owned by such funds, and any other fiscal service which is normally covered in a custodial contract or agreement.

The Treasurer of State is hereby empowered to arrange for the payment for such services, either by cash payments to be charged pro rata to the income of such trust funds, or by an agreement for a compensating deposit balance with the bank in question, in lieu of such cash payment, or by some combination of both methods of payment. The contracting bank shall give assurance of proper internal safeguards which are usual to such contracts, and shall furnish insurance protection satisfactory to both parties.

The Treasurer of State shall be empowered to withdraw or deposit securities from or with the custodian as circumstances may require, all withdrawal orders or delivery instructions to bear the approval in writing of the Bank Commis-

sioner and that of either or both the Commissioner of Education and the Commissioner of Finance and Administration.

All contracts and agreements entered into between the Treasurer of State and custodian banks and safe deposit companies selected for the safekeeping or custodial care of the negotiable securities referred to in this section shall have the approval of the Governor and the Executive Council.'

Sec. 4. R. S., c. 18, § 22, amended. Section 22 of chapter 18 of the revised statutes is hereby amended by adding at the end thereof 4 new paragraphs to read as follows :

'The Treasurer of State, with the approval of the Governor and the Bank Commissioner, shall have the power to enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and the servicing of the negotiable securities belonging to any sinking fund of the State. Such services shall consist of the safekeeping of said negotiable securities in the vaults of the bank or safe deposit company, preparation of coupons for collection, the actual collection of such coupons, periodical checks of the portfolio deposited for safekeeping to determine all calls for redemption, in whole or in part, of any bonds owned by such funds, and any other fiscal service which is normally covered in a custodial contract or agreement.

The Treasurer of State is hereby empowered to arrange for the payment for such services, either by cash payments to be charged pro rata to the income of such sinking funds, or by an agreement for a compensating deposit balance with the bank in question, in lieu of such cash payment, or by some combination of both methods of payment. The contracting bank shall give assurance of proper internal safeguards which are usual to such contracts, and shall furnish insurance protection satisfactory to both parties.

The Treasurer of State shall be empowered to withdraw or deposit securities from or with the custodian as circumstances may require, all withdrawal orders or delivery instructions to bear the approval in writing of the Bank Commissioner and that of either or both the Governor and the Commissioner of Finance and Administration.

All contracts and agreements entered into between the Treasurer of State and custodian banks and safe deposit companies selected for the safekeeping or custodial care of the negotiable securities referred to in this section shall have the approval of the Governor and the Executive Council.'

Sec. 5. R. S., c. 64, § 13, sub-§ XV, additional. Section 13 of chapter 64 of the revised statutes is hereby amended by adding thereto a new subsection to be numbered XV, to read as follows :

'XV. The Board of Trustees of the Maine State Retirement System shall have power to enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the negotiable securities belonging to any fund of the Retirement System. Such services shall consist of the safekeep-

ing of said negotiable securities in the vaults of the bank or safe deposit company, preparation of coupons for collection, the actual collection of such coupons, periodical checks of the portfolio deposited for safekeeping to determine all calls for redemption, in whole or in part, of any bonds owned by the Retirement System, and any other fiscal service which is normally covered in a custodial contract or agreement.

The said Board of Trustees is hereby empowered to arrange for the payment for such services, either by cash payments to be charged pro-rata to the income of the several funds of the system, or by an agreement for a compensating deposit balance with the bank in question, in lieu of such cash payment, or by some combination of both methods of payment. The contracting bank shall give assurance of proper internal safeguards, which are usual to such contracts, and shall furnish insurance protection satisfactory to both parties.

The said Board of Trustees shall be empowered to withdraw or deposit securities from or with the custodian as circumstances may require.

The said Board of Trustees shall be empowered to appoint a Finance Committee consisting of 3 of its duly qualified members. The Finance Committee so appointed shall be empowered to withdraw or deposit securities from or with the custodian as circumstances may require, except that all withdrawal orders or delivery instructions shall bear the approval in writing of at least 2 of the 3 duly qualified members of the Finance Committee of the said Board of Trustees.

All contracts or agreements entered into between the said Board of Trustees and the custodian bank or safe deposit company selected by them shall have the approval of the governor and Executive Council.'

Sec. 6. R. S., c. 64, § 14, sub-§ III, amended. Subsection III of section 14 of chapter 64 of the revised statutes is hereby amended to read as follows:

**III.** ~~The~~ Except as otherwise herein provided, the Treasurer of State shall be the custodian of the several funds of the Retirement System. Upon receipt of vouchers signed by a person or persons designated by the Board of Trustees, the State Controller shall draw a warrant on the Treasurer of State for the amounts so authorized. A duly attested copy of the resolution of the Board of Trustees designating such persons and bearing on its face specimen signatures of such persons shall be filed with the State Controller as his authority for making payments upon such vouchers.'