

MAINE STATE LEGISLATURE

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

Legislative Document

No. 611

S. P. 228

In Senate, February 11, 1959.

Referred to the Committee on Business Legislation, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Charles of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

**AN ACT Relating to the Bank Commissioner, Advisory Committee and
Department Regulations.**

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

Sec. 1. R. S., c. 59, § 1, amended. Section 1 of chapter 59 of the Revised Statutes, as amended by section 14 of chapter 473 of the public laws of 1955 and by section 17 of chapter 418 of the public laws of 1957, is further amended to read as follows:

'Sec. 1. Bank Commissioner; appointment; salary; not to disclose information; fees. A Bank Commissioner, as heretofore appointed and hereinafter in this chapter called the "commissioner," shall be appointed by the Governor, with the advice and consent of the Council, and shall hold his office for ~~4~~ 6 years and until his successor is appointed and qualified, and may be removed from office by the Governor and Council for cause. **No person shall be eligible for said office unless he shall have had at the time of his appointment at least 7 years practical experience in one or more of the following capacities, as an executive officer, director or trustee of a bank or loan and building association doing business in Maine, or as an employee in the banking department of this or some other state, or as an employee of a federal examining authority charged with examining financial institutions.** He shall engage in no other business or profession and shall not during his continuance in office hold any office in any bank in the State, nor receive directly or indirectly any remuneration or fee of any kind from any bank, banking house, corporation, association or individual for examining any property or properties or securities. He shall receive an annual salary ~~of \$9,000~~ **to be determined by the Governor and confirmed by the Council** and his actual traveling expenses incurred in the performance of his duties.

No information derived by or communicated to the Bank Commissioner, deputy bank commissioner or any examiner or employee of the department in the course of official duty shall be disclosed except:

I. To United States government officials charged with the duty of supervising national banks, **officials and examiners of the Federal Deposit Insurance Corporation, Federal Home Loan Bank and Federal Savings and Loan Insurance Corporation;**

II. To federal reserve officials;

III. To banking departments of other states;

IV. To the Governor and Treasurer of State;

V. To an advisory board, to be made up of mutual savings banks executive officials or trustees, or both, chosen by the Savings Banks Association of Maine, so far as such information may relate to the conditions, policies and practices of mutual savings banks under his supervision and in such manner and to such extent as in the judgment of the commissioner will tend to assist him in the discharge of his obligations under ~~the provisions of this chapter;~~ ~~any.~~ **Any** information so communicated to such advisory board shall be held by each member thereof in strict confidence;

VI. To an advisory committee to be made up of state chartered trust company officials or directors, or both, chosen by the Maine Bankers Association, so far as such information may relate to the conditions, policies and practices of trust companies under his supervision and in such manner and to such extent as in the judgment of the commissioner will tend to assist him in the discharge of his obligations under this chapter. **Any** information so communicated to such advisory board shall be held by each member thereof in strict confidence;

VII. To officials and employees of public accounting firms authorized to do business in Maine charged with the duty of performing audits or examinations of banks or loan and building associations doing business in Maine, either separately or concurrently with the banking department.

Whoever violates the provisions of the preceding paragraph shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both ~~such fine and imprisonment.~~

The Bank Commissioner shall collect the legal and usual fees payable to him by virtue of his office, and account for and pay over the same to the Treasurer of State forthwith for deposit in the General Fund.

He shall receive in behalf of the State:

For a certificate of authorization of a loan and building association, \$5.

For each license authorizing a foreign banking corporation to conduct its business in this State, and each renewal thereof, \$20.

For receiving service of process against such corporation or against a foreign corporation acting as trustee of a mortgage given by a domestic corporation, \$2,

which shall be paid by the plaintiff at the time of such service, and shall be recovered by him as a part of his taxable costs, if he prevails in the suit.

For granting license to foreign corporations selling securities on the partial payment or installment plan, and for each renewal thereof, \$20.

For registration or renewal of registration of dealers in securities, \$50, which shall be returned if application is not granted.

For certified copies of dealer's certificate, 50c each.

For registration or renewal of registration of salesmen or agent of dealer in securities, \$10 each.'

Sec. 2. R. S., c. 59, § 2-A, additional. Chapter 59 of the Revised Statutes is amended by adding a new section 2-A, to read as follows :

'Sec. 2-A. Department regulations. The Bank Commissioner, with the advice and joint consent of the advisory committees of the savings banks and trust companies, as provided for in section 1, may from time to time make and shall enforce rules and regulations relating to said banks and trust companies, subject to the provisions of this chapter.'

Sec. 3. R. S., c. 59, § 2, amended. The first paragraph of section 2 of chapter 59 of the Revised Statutes is amended to read as follows :

'The Bank Commissioner may employ, subject to the provisions of the Personnel Law, a deputy bank commissioner and as many examiners, assistant examiners and clerks as the business of the office may require. The commissioner may train his employees or have them trained in such manner as he deems desirable, at the expense of the department. The deputy bank commissioner shall perform the duties of the commissioner whenever the latter shall be absent from the State, or whenever he shall be directed by the commissioner, or whenever there shall be a vacancy in the office of commissioner. The deputy bank commissioner and all examiners and assistant examiners shall receive their actual expenses incurred in the performance of official duties.'