

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
1820, February 18, 1840, and March 16, 1842.

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1903

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

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ing to the law relating to municipal elections, provided, however, that the board of registration shall not be required to prepare or the city clerk to post a new list of voters and for this purpose said board shall be in session the two secular days next preceding such election, the first day thereof to be devoted to regulation of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said sessions. The city clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Gardiner Water District be accepted?" and the voters shall indicate by a cross placed against the words "yes" or "no" their opinion of the same. The result shall be declared by the mayor and aldermen and due certificate thereof filed by the city clerk with the secretary of state. This act shall take effect when approved by the governor so as necessary to empower the calling and holding of such election.

—tenor of
vote.

Sections 2, 3
and 4 of this
act void
unless under
certain
conditions.

Section 13. Sections two, three and four of this act shall be inoperative, null and void, unless the said water district shall first acquire by purchase, or by the exercise of the right of eminent domain as in this act provided, the plant, property and franchises, rights and privileges now held by the Maine Water Company within said district and said towns of Pittston, Randolph and Farmingdale.

Costs and
expenses,
how paid.

Section 14. All costs and expenses arising under the provisions of this act shall be paid and borne as directed by the court in the final decree provided by section seven.

Section 15. This act shall take effect when approved.

Approved February 26, 1903.

Chapter 83.

An Act to incorporate the Union Trust Company of Saco, Maine.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Corporators.

Section 1. James O. Bradbury, William J. Maybury, Fred C. Bradbury of Saco, Frank H. Libby, William J. Mewer of Old Orchard, James W. Meserve of Buxton, J. F. Googins, C. E. Atwood of Biddeford, Lendall W. Nash of Kennebunk, or such of them as may by vote accept this charter, with their associates, successors and assigns, are hereby made a body corporate and politic to be known as the Union Trust Company, and as such shall be possessed of all the powers, privileges and immunities and subject to all the duties and obligations conferred on corporations by law.

—corporate
name.

—powers, etc.

Section 2. The corporation hereby created shall be located at Saco, in the county of York and state of Maine.

Section 3. The purposes of said corporation and the business which it may perform, are; first, to receive on deposit, money, coin, bank notes, evidences of debt, accounts of individuals, companies, corporations, municipalities and states, allowing interest thereon, if agreed, or as the by-laws of said corporation may provide; second, to borrow money, to loan money on credits, or real estate, or personal security, and to negotiate loans and sales for others; third, to own and maintain safe deposit vaults, with boxes, safes and other facilities therein, to be rented to other parties for the safe keeping of moneys, securities, stocks, jewelry, plate, valuable papers and documents, and other property susceptible of being deposited therein, and may receive on deposit for safe keeping, property of any kind entrusted to it for that purpose; fourth, to act as agent for issuing, registering and countersigning certificates, bonds, stocks, and all evidences of debt or ownership in property; fifth, to hold by grant, assignment, transfer, devise or bequest, any real or personal property or trusts duly created and to execute trusts of every description; sixth, to act as assignee, receiver or executor, and no surety shall be necessary upon the bond of the corporation, unless the court or officer approving such bond shall require it; seventh, to do in general all the business that may be lawfully done by trust and banking companies, but said corporation shall not have the power or authority to establish branches.

Purposes.

—may maintain safe deposit vaults.

—may act as agent.

—may act as trustee.

Section 4. The capital stock of said corporation shall not be less than fifty thousand dollars, divided into shares of one hundred dollars each, with the right to increase the said capital stock at any time, by vote of the shareholders, to any amount not exceeding five hundred thousand dollars. Said corporation shall not commence business as a trust or banking company, until stock to the amount of at least fifty thousand dollars shall have been subscribed and paid in, in cash.

Capital stock

—shall not commence business until \$50,000 shall have been paid in.

Section 5. Said corporation shall not make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares unless necessary to prevent loss upon a debt previously contracted in good faith; and all stock so acquired shall, within six months from the time of its acquisition, be disposed of at public or private sale.

Shall not make loan on security of its own capital stock.

Section 6. All the corporate powers of this corporation shall be exercised by a board of trustees, who shall be residents of this state, whose number and term of office shall be determined by a vote of the shareholders at the first meeting held by the incorporators and at each annual meeting thereafter. The affairs and

Board of trustees shall exercise corporate powers.

—tenure, how determined.

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—executive board.

—vacancies, how filled.

Board of investment.

—record of loans shall be kept.

—loans to officers or directors, how made.

Director or trustee must own ten shares of stock.

Reserve fund

Trust funds shall constitute a

powers of the corporation may, at the option of the shareholders, be entrusted to an executive board of five members to be, by vote of the shareholders, elected from the full board of trustees. The trustees of said corporation shall be sworn to the proper discharge of their duties, and they shall hold office until others are elected and qualified in their stead. If a trustee or director dies, resigns, or becomes disqualified for any cause, the remaining trustees or directors may appoint a person to fill the vacancy until the next annual meeting of the corporation. The oath of office of such trustee or director shall be taken within thirty days of his election, or his office shall become vacant. The clerk of such corporation shall, within ten days, notify such trustees or directors of their election, and within thirty days shall publish the list of all persons who have taken the oath of office as trustees or directors.

Section 7. The board of trustees or directors of said corporation shall constitute the board of investment of said corporation. Said trustees or directors shall keep in a separate book, specially provided for the purpose, a record of all loans, and investments of every description, made by said institution substantially in the order of time when such loans or investments are made, which shall show that such loans or investments have been made with the approval of the investment committee of said corporation, which shall indicate such particulars respecting such loans or investments as the bank examiner shall direct. This book shall be submitted to the trustees or directors and to the bank examiner whenever requested. Such loans or investments shall be classified in the book as the bank examiner shall direct. No loan shall be made to any officer or director of said banking or trust company except by the unanimous approval of the executive board in writing, and said corporation shall have no authority to hire money or to give notes unless by vote of the said board duly recorded.

Section 8. No person shall be eligible to the position of a director or a trustee of said corporation who is not the actual owner of ten shares of the stock.

Section 9. Said corporation, after beginning to receive deposits, shall, at all times, have on hand in lawful money, as a reserve, not less than fifteen per cent of the aggregate amount of its deposits which are subject to withdrawal on demand, provided, that in lieu of lawful money, two-thirds of said fifteen per cent may consist of balances, payable on demand, due from any national or state bank.

Section 10. All the property or money held in trust by this corporation shall constitute a special deposit and the accounts

thereof and of said trust department shall be kept separate, and such funds and investments or loans of them shall be specially appropriated to the security and payment of such deposits, and not be subject to any other liabilities of the corporation; and for the purpose of securing the observance of this provision, said corporation shall have a trust department in which all business pertaining to such trust property shall be kept separate and distinct from its general business.

special
deposit.

Section 11. An administrator, executor, assignee, guardian or trustee, any court of law or equity, including courts of probate and insolvency, officers and treasurers of towns, cities, counties, and savings banks of the state of Maine may deposit any moneys, bonds, stocks, evidences of debt or of ownership in property, or any personal property, with said corporation, and any of said courts may direct any person deriving authority from them to so deposit the same.

Administra-
tors, etc., may
deposit with.

Section 12. Each shareholder of this corporation shall be individually responsible for all contracts, debts and engagements of said corporation to a sum equal to the amount of the par value of the shares owned by him, in addition to the amount invested in said shares.

Responsi-
bility of
shareholders.

Section 13. Such corporation shall set apart as a guaranty fund not less than ten per cent of its net earnings in each and every year until such fund with the accumulated interest thereon, shall amount to one-fourth of the capital stock of said corporation.

Guaranty
fund.

Section 14. The shares of said corporation shall be subject to taxation in the same manner and rate as are the shares of national banks.

Taxation of
shares.

Section 15. Said corporation shall be subject to examination by the bank examiner, who shall visit it at least once in every year, and as much oftener as he may deem expedient. At such visits he shall have free access to its vaults, books and papers, and shall thoroughly inspect and examine all the affairs of said corporation, and make such inquiries as may be necessary to ascertain its condition and ability to fulfill all its engagements. If upon examination of said corporation the examiner is of the opinion that its investments are not in accordance with law or said corporation is insolvent, or its condition is such as to render its further proceedings hazardous to the public or to those having funds in its custody, or is of the opinion that it has exceeded its powers or failed to comply with any of the rules or restrictions provided by law, he shall have such authority and take such action as is provided for in the case of savings banks by chapter forty-seven of the revised statutes. He shall preserve in a per-

Shall be
subject to
examination
by bank
examiner.

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—statement
shall be
published.

manent form a full record of his proceedings, including a statement of the condition of said corporation. A copy of such statement shall be published by said corporation immediately after the annual examination of the same in some newspaper published where said corporation is established. If no paper is published in the town where said corporation is established, then it shall be published in a newspaper printed in the nearest city or town. The necessary expenses of the bank examiner while engaged in making such examination shall be paid by said corporation.

First meeting,
how called.

Section 16. Any five of the incorporators named in this act may call the first meeting of this corporation by mailing a written notice, signed by all, postage paid, to each of the other incorporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted, and any other corporate business transacted.

Section 17. This act shall take effect when approved.

Approved February 26, 1903.

Chapter 84.

An Act to amend Chapter four hundred and eighty-six of the Private and Special Laws of eighteen hundred and eighty-nine, relating to the city of Westbrook.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 4 of
chapter 486,
special laws
of 1889,
amended.

Section 1. Section four of said chapter four hundred eighty-six is hereby amended by striking out the words "second Monday in March" in the third sentence of said section, and inserting in place thereof the words 'first Monday in January.' Section five of said chapter is hereby amended by striking out the words "first Monday in March" in the first sentence of said section, and inserting in place thereof the words 'second Monday in December.' Section nine of said chapter is hereby amended by striking out the words "second Monday in March" in the first sentence of said section, and inserting in place thereof the words 'first Monday in January'; and by striking out the words "second Monday in March" in the fourth sentence of said section, and inserting in place thereof the words 'first Monday in January.'

Section 17 of
chapter 486,
amended.

Section 2. Section seventeen of said chapter is hereby amended by inserting after the fourth sentence thereof the following: 'Whenever any ordinance, order, resolution or vote of the city council involves an appropriation or expenditure of