

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-THIRD LEGISLATURE  
OF THE  
STATE OF MAINE  
1907.

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

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1907

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

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## Chapter 69.

An Act to amend Chapter forty-eight of the Revised Statutes, relating to Savings Banks.

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

Section 21,  
chapter 48,  
R. S.,  
amended.

Section 1. Section twenty-one of chapter forty-eight of the revised statutes is hereby amended by striking out the word "savings" before the word "bank" in the first line, and by adding to said section the following: 'And when money is deposited in the names of two or more persons, payable to either, the whole, or any part thereof, may be paid to either of such persons with or without the consent of the other, before or after the death of the other,' so that said section as amended, shall read as follows:

Deposits of  
married  
women or  
minors are  
property of  
depositors.

'Section 21. Money deposited in a bank, institution for savings or trust company by a married woman or minor, is the property of and shall be paid to the order of the depositor, and is not the property of the husband or parents, and such depositors may maintain actions in their own names against the bank or trust company to recover their deposits; but this section does not apply to money fraudulently deposited by or in the name of a married woman or minor belonging to a third person. The receipt of such married woman or minor for such deposits and interest, or any part thereof, is a valid release and discharge to the corporation. When money is deposited in the name of a minor, the trustees may in their discretion pay the same to such minor or to the person making such deposit, and the same shall be valid payment. And when money is deposited in the names of two or more persons, payable to either, the whole, or any part thereof, may be paid to either of such persons with or without the consent of the other, before or after the death of the other.'

—deposits  
may be paid  
minor, in  
discretion of  
trustees.

—deposits in  
names of  
two persons,  
payable to  
either.

Clause b,  
subdivision  
first, section  
23, amended.

Section 2. Clause 'b,' subdivision 'first,' section twenty-three of said chapter, is hereby amended by striking out the word "and" before the word "Nebraska" and adding to said clause the words 'California, Oregon and Washington,' so that said clause, as amended, shall read as follows:

Clause b.

'b: In the public funds of any of the New England states and of the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas, Nebraska, California, Oregon and Washington.'

Clauses b, c  
and d, sub-  
division sec-  
ond, section  
23, amended.

Section 3. Clauses 'b,' 'c' and 'd,' subdivision 'second,' of said section twenty-three, are hereby amended by striking out the word "and" before, and inserting after, the word "Nebraska" in each clause the words 'California, Oregon and Washington,' so that said several clauses as amended, shall read as follows, respectively:

'b: In the bonds of cities and districts in the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas, Nebraska, California, Oregon and Washington, having a population of seventy-five thousand or more, when issued for municipal purposes and which are a direct obligation on all the taxable property therein.

'c: In the bonds of counties of twenty thousand inhabitants or more in the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas, Nebraska, California, Oregon and Washington, when issued for municipal purposes, and which are a direct obligation on all the taxable property therein, except when issued in aid of railroads, provided, that the net municipal indebtedness of such county does not exceed five per cent of the last preceding valuation of the property therein for the assessment of taxes.

Clause c.

'd: In the bonds of any city of ten thousand inhabitants or more in the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas, Nebraska, California, Oregon and Washington, when issued for municipal purposes and which are a direct obligation on all the taxable property therein, except when issued in aid of railroads, provided, that the net municipal indebtedness of such city does not exceed five per cent of the last preceding valuation of the property therein for the assessment of taxes.'

Clause d.

Section 4. Clause 'f,' subdivision 'third,' section twenty-three of said chapter, is hereby amended by inserting after the words "secretary of state," in the nineteenth line thereof, and before the words "and all" in the twentieth line, the words, 'provided, further, that when for any reason it is impossible to obtain a certificate that an amount of capital stock equal to one-third of the bonded debt has been paid in, in cash, in lieu thereof such bonds may be certified as legal for the purpose hereof on satisfactory proof to the bank examiner that annual dividends in amount equivalent to five per centum per annum on an amount of capital stock equal to one-third of the bonded debt has been earned and paid for a period of five years next prior thereto,' and by adding to said section the words, 'No bonds secured by open mortgage shall be legal under this section unless the mortgage provides that the total amount of bonds certified and outstanding under it shall at no time exceed seventy-five per cent of the amount of cash expended upon the road,' so that said clause as amended, shall read as follows:

Clause f,  
subdivision  
third,  
section 23,  
amended.'

## CHAP. 69

## Clause f.

'f: In the bonds of street railroads constructed in this state prior to April twenty-seven, eighteen hundred and ninety-five, and in bonds of street railroads in this state constructed after said date, and in the first mortgage bonds of any completed street railroad in the states of New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska; provided, that in the case of street railroads constructed in this state after April twenty-seven, eighteen hundred and ninety-five, and in the case of street railroads in the states above named, an amount of capital stock equal to thirty-three and one-third per cent of the mortgaged debt shall have been paid in, in cash, and expended upon the road evidenced by a certificate of the railroad commissioners of the state where the road is located, filed in the office of the secretary of state of this state, that said percentage has been so paid in and expended in addition to the amount of the bonded debt; provided, further, that in such of the above states as have no railroad commissioners having supervision of street railroads the bank examiner of this state may ascertain the facts and if they meet the foregoing requirement may file certificate thereof with the secretary of state; provided, further, that when for any reason it is impossible to obtain a certificate that an amount of capital stock equal to one-third of the bonded debt has been paid in, in cash, in lieu thereof such bonds may be certified as legal for the purpose hereof, on satisfactory proof to the bank examiner that annual dividends in amount equal to five per centum per annum on an amount of capital stock equal to one-third of the bonded debt has been earned and paid for a period of five years next prior thereto; and all the expenses and compensation of the bank examiner for such service shall be paid by the railroad company seeking to make its bonds a legal investment under this section, whether the same are admitted or not. No bonds secured by an open mortgage shall be legal under this section unless the mortgage provides that the total amount of bonds certified and outstanding under it shall at no time exceed seventy-five per cent of the amount of cash expended upon the road.'

Subdivision  
third,  
section 23,  
amended.

Section 5. Subdivision 'third' of section twenty-three of said chapter is hereby amended by adding thereto, under the designation of clause 'g,' the following:

Clause g.

'g. In consolidated or refunding bonds, which are of an issue to retire the entire funded debt under the conditions as applied to first mortgage bonds in clauses b, c, and f, of this subdivision, and which are secured by a first mortgage on the whole or any part of the system.'

Section 6. Clause 'd,' subdivision 'sixth,' section twenty-three of said chapter, is hereby amended by striking out the whole thereof, and substituting therefor the following:

'd. In the bonds, stocks or notes of any railroad in New England, which has earned and paid an annual dividend equivalent to five per cent on a capital stock equal to one-third of its funded debt for a period of ten years next prior thereto, and in the stock or notes of the New York Central and Hudson River, the Illinois Central, the Lake Shore and Michigan Southern, and the Pennsylvania Railroad Companies.'

Section 7. Clause 'b,' subdivision 'seventh,' section twenty-three of said chapter is hereby amended, so as to read as follows:

'b. In notes with a pledge as collateral of any funds, bonds, notes or stocks which the bank or institution would, by this section, be authorized to purchase, provided the market value of said collateral is equal to the amount of the loan.'

Section 8. Clause 'd,' subdivision 'seventh,' section twenty-three of said chapter, is hereby amended so as to read as follows:

'd. In notes with a pledge as collateral of such funds, bonds, notes or stocks as in the judgment of the trustees it is safe and for the interest of the bank to accept, to an amount not exceeding seventy-five per cent of the market value of such funds, bonds, notes or stocks.'

Section 9. Section twenty-five of said chapter is hereby amended by adding thereto the words, 'This section does not apply to bonds enumerated in the first five subdivisions of section twenty-three of this chapter,' so that said section as amended, shall read as follows:

'Section 25. No such bank or institution shall hold by way of investment, or as security for loans, or both, more than one-fifth of the capital stock of any corporation, nor invest more than ten per cent of its deposits, not exceeding sixty thousand dollars, in the capital stock, or notes of any corporation, nor have more than fifty per cent of its deposits in mortgages of real estate. This section and the two preceding do not apply to real estate, or other assets, acquired by the foreclosure of a mortgage thereon, or upon judgment for debts, or in settlements to secure debts. This section does not apply to bonds enumerated in the first five subdivisions of section twenty-three of this chapter.'

Section 10. Section twenty-eight of said chapter is hereby amended by striking out the word "ten" in the ninth line thereof, and inserting in its place the word 'five,' so that said section as amended, shall read as follows:

'Section 28. The trustees, after passing to the reserve fund one-quarter of one per cent of the average amount of deposits for the six months previous to declaring a dividend, not subject

Clause d,  
subdivision  
sixth,  
section 23,  
amended.  
Clause d.

Clause b,  
subdivision  
seventh,  
section 23,  
amended.  
Clause b.

Clause d,  
subdivision  
seventh,  
section 23,  
amended.  
Clause d.

Section 25,  
chapter 48,  
R. S.,  
amended.

Investments  
in capital  
stock of  
corporations,  
restricted.

—exception.

—exception.

Section 28,  
chapter 48,  
R. S.,  
amended.

Dividends  
from  
earnings.

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to be divided, shall declare dividends, not exceeding two and a half per cent semi-annually, except as hereinafter provided, at such times as are required by their by-laws, among depositors of three months standing at least before dividend day. The corporation may by its by-laws include deposits of less standing. The reserve fund shall be kept constantly on hand, to secure against losses and contingencies, until it amounts to five per cent of the deposits. All losses shall be passed to the debit of said account. And when said reserve fund amounts to ten per cent of the average amount of deposits for the six months previous to declaring a dividend, all net profits not otherwise divided, thereafter made by said banks, shall be divided every three years ratably among the depositors of one, two and three full years' standing, as extra dividends. No dividends or interest shall be declared, credited or paid, except by a vote of the board of trustees, entered upon their records, whereon shall be recorded the yeas and nays upon such vote. Trustees of savings banks and savings institutions are forbidden to make any semi-annual dividend of a rate per cent which will make the aggregate amount of said dividend greater than the actual earnings of the bank or institution, actually collected.'

Section II. This act shall take effect when approved.

Approved March 18, 1907.

### Chapter 70.

An Act amending Chapter one hundred and sixty-four of the Public Laws of nineteen hundred and five, relating to location and assessment of damages for property taken for public uses.

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

Shall not  
apply to  
steam  
railroads.

Section 1. The provisions of chapter one hundred and sixty-four of the public laws of nineteen hundred and five shall not apply to steam railroads, and all acts and parts of acts relating to or applying to steam railroads repealed by said chapter one hundred and sixty-four are hereby revived.

Section 2. This act shall take effect when approved.

Approved March 18, 1907.