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REVISED STATUTES

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AUGUSTA KENNEBEC JOURNAL PRINT the faithful discharge of the duty assigned them, and a certificate thereof shall be indorsed on the warrant.

Sec. 63. Notice of appointment and meeting. R. S. c. 20, § 62. The members of the committee shall give notice of their appointment, and of the time and place of their meeting to execute the same, by publishing the same in some newspaper in the state to be designated by the court, and by posting written notifications in two or more public places in the same town, at least 30 days before making such location.

Sec. 64. Return of the doings of the committee. R. S. c. 20, § 63. The members of the committee shall make return of said warrant and their doings thereon, to the next superior court in the county, after having completed the service; which, being accepted by the court and recorded in the registry of deeds in the county of registry district where the land is situated, within 6 months, shall be a legal assignment and location of such reserved proportions, for the uses designated; and thereafter the lands so set off and located shall be under the care and oversight of the trustees of the ministerial and school funds of the town, with all the powers and subject to the duties prescribed in this chapter, including the power to sell and convey the same.

See c. 32, § 42.

CHAPTER 54.

BURYING-GROUNDS. PUBLIC CEMETERIES. MAUSOLEUMS AND VAULTS.

Sections 1–19 Burying-Grounds. Sections 20–25 Public Cemeteries.

Sections 20-25 Tublic Cemeteries.

Sections 26–39 Construction of Mausoleums and Vaults.

Burying-Grounds

Sec. 1. Incorporation. R. S. c. 24, § 1. 1937, c. 99, § 2. Persons of lawful age may organize themselves into a non-profit-sharing corporation for the purpose of purchasing land for a burying-ground, and for the purpose of owning, maintaining, and operating a cemetery or cemeteries, as provided in sections I and 2 of chapter 50, and may proceed in the manner and, except as herein restricted, with the powers provided in section 3 of said chapter.

131 Me. 211.

Sec. 2. Ground to be fenced. R. S. c. 24, § 2. Such corporation, within I year after its organization, shall make a substantial fence around the buryingground, and keep it constantly in repair, under a penalty of not more than \$100; which shall be expended under the direction of the municipal officers in keeping the fence in repair.

131 Me. 211.

Sec. 3. Ancient or public burying-grounds to be cared for; penalty for neglect. R. S. c. 24, § 3. 1941, c. 198. Each town, parish, religious society, and any individual, association, or corporation, to which any ancient or public bury-

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ing-ground belongs shall keep a substantial fence around it in good repair; and in any such burying-ground in which any Revolutionary soldier or sailor, or soldier or sailor who served in the United States army, navy, or marine corps in any war is buried, the town in which said burying-ground is located shall keep in good condition and repair, all graves, headstones, monuments, or markers designating the burial place of said Revolutionary soldiers or sailors, or soldier or sailor who served in the United States army, navy, or marine corps in any war, and shall keep the grass suitably cut and trimmed on such graves during the summer season. Towns may raise and appropriate money for such purposes. Each said town, parish, religious society, individual, association, or corporation shall be liable to a penalty of not more than \$25 for neglect to maintain such fence in good repair, and each said town shall be liable to a penalty of not more than \$10 for neglect to keep in good condition and repair all such graves, headstones, monuments, and markers, or failing to keep the grass suitably cut and trimmed as aforesaid, on said graves. The penalties above provided for shall be recovered in an action of debt brought in the name and for the use of any chapter of the Daughters of the American Revolution or post of the American Legion against such negligent town, parish, religious society, individual, association, or corporation.

Sec. 4. Penalty for neglect of town or parish officers. R. S. c. 24, § 4. If such officers, treasurer, or committee neglect so to apply such fines, they each forfeit the amount thereof, in an action of debt, to any person suing therefor.

Sec. 5. Ancient or public burying-grounds in unincorporated places to be cared for by county commissioners. R. S. c. 24, § 5. The county commissioners of any county in which there is an unincorporated place or places wherein are any ancient or public burying-grounds shall cause the same to be suitably fenced and thereafter maintained; they also shall cause the burying-grounds aforesaid to be kept in proper condition and any bushes therein to be cut.

Sec. 6. Grounds, inalienable and indivisible, except by unanimous consent; description to be recorded. R. S. c. 24, § 6. When any persons appropriate for a burying-ground a piece of land containing not more than half an acre, it shall be exempt from attachment and execution, and inalienable and indivisible by the owners without the consent of all; and be kept fenced or otherwise substantially marked, and occupied as a burying-ground; and they shall cause a written description of it, under their hands, attested by 2 disinterested witnesses, to be recorded in the registry of deeds in the county or district where it lies, or by the clerk of the town where it is situated.

108 Me. 447.

Sec. 7. Family burying-grounds, exempt from attachment, and inalienable. R. S. c. 24, § 7. When a person appropriates for a family burying-ground a piece of land containing not more than $\frac{1}{4}$ of an acre, causes a description of it to be recorded in the registry of deeds of the same county, or by the clerk of the town where it is situated, and substantially marks the bounds thereof or encloses it with a fence, it shall be exempt from attachment and execution; and no subsequent conveyance of it shall be valid, while any person is interred therein; but it shall remain to him and his heirs as a burial place forever.

See c. 79, § 232, re fees to registry of deeds; c. 80, § 27, re fees to town clerk; 108 Me. 447.

Sec. 8. Lots in cemeteries exempt from attachment, levy, and sale for debts. R. S. c. 24, § 8. Lots in public or private cemeteries are exempt from attachment

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and levy on execution, and from liability to be sold by executors and administrators of insolvent estates, for the payment of debts and charges of administration. Only I lot so exempt for any I person.

Sec. 9. Proceedings by town officers to enlarge public cemetery. R. S. c. 24, \S 9. The municipal officers of any town may on petition of 10 voters enlarge any public cemetery or burying-ground or incorporated cemetery or burying-ground within their town, by taking land of adjacent owners, to be paid for by the town or otherwise as the municipal officers may direct, when in their judgment public necessity requires it; provided that the limits thereof shall not be extended nearer any dwelling-house, or well from which the water is used for domestic purposes, than 25 rods, against the written protest of the owner made to said officers at the time of the hearing on said petition. Nor shall any person, corporation, or association establish, locate, or enlarge any cemetery or burvingground by selling or otherwise disposing of land so that the limits thereof shall be extended nearer any dwelling-house or well than 25 rods against the written protest of the owner; provided that nothing in the provisions of this section shall prohibit the sale or disposition of lots within the limits of any existing cemetery or burying-ground, nor the extension thereof away from any dwellinghouse or well.

*108 Me. 27.

Sec. 10. Notice. R. S. c. 24, § 10. Notice of a time and place for a hearing held under the provisions of section 9 shall be given by posting written notices thereof, signed by said officers, at least 7 days prior thereto, in 2 public places in said town; and a copy of such notice and of the petition shall be served on the owners of the land at least 10 days before the day of hearing.

Sec. 11. Land taken, damages how determined; town to vote at annual meeting. R. S. c. 24, § 11. If the municipal officers at the hearing held under the provisions of section 9 grant the prayer of the petitioners, they shall then determine what land shall be taken, and assess the damages suffered by each person thereby, make a written return of their proceedings, specifying the land taken and the damages awarded each person, and file the same with the town clerk; and such cemetery or burying-ground shall not be enlarged, pursuant to such return, until so voted by the town at its next annual meeting.

Sec. 12. Person aggrieved, remedy. R. S. c. 24, § 12. Any person aggrieved by the amount of damages awarded may have them determined by written complaint to the superior court in the manner provided respecting damages for the establishment of town ways.

See c. 84, § 33, re damages for ways.

Sec. 13. Private cemetery may become public; proceedings. R. S. c. 24, § 13. Any private cemetery or burying-ground, by written agreement of all the owners thereof, recorded by the clerk of the town in which it is situated, may, by vote of such town within I month after the recording of such agreement by the town clerk, become public, and subject to the law relating to public cemeteries or burying-grounds; provided that such agreement is not in conflict with the terms of any conveyance or devise of land for the purposes of a burying-ground.

Sec. 14. Towns and cemetery corporations may accept title to private burying-grounds; exemption from liability for debt; funds held in trust for repair of grounds; penalty for neglect. R. S. c. 24, § 14. 1933, c. 118, §§ 1, 5. Any city, town, cemetery corporation, trust company, or trustee may accept any conveyance

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of land not exceeding 1/2 acre, to be forever held, kept, and used for a private or family burying-ground for the grantors and such of their heirs and relatives by blood or marriage as the conveyance shall designate. Such lot and all erections thereon, including the erection and maintenance of the same, and fixtures thereto suitable for its use or adornment as a burying-ground, are forever inalienable and indivisible, and exempt from liability for debt. Such city, town, corporation, company, or trustee may also accept and forever hold any donation or legacy for insuring proper care and attention to any burial lot or ground and the avenues thereof and the monuments thereon. Having accepted such donation or legacy, said trustee becomes bound to perform the duties appertaining to the trust as specified in the writing creating the same, or, in default of such specification, as required by law, and as in cases of public charity. Any city or town without giving bond therefor may be appointed by the probate court testamentary trustee for the purpose of holding forever in accordance with the provisions of this section and the terms of the devise any fund devised for the purposes aforesaid. Any such city, town, cemetery corporation, trust company, or trustee, failing to furnish proper care and attention to any burial lot, the perpetual care whereof has been provided for as above, shall be punished by a fine of not less than \$50, nor more than \$100, to be recovered by complaint or indictment. Trial justices shall have jurisdiction concurrent with municipal courts and the superior court within their respective counties; and of all fines provided for under the provisions of this section, and recovered on complaint, $\frac{1}{2}$ shall go to the prosecutor and $\frac{1}{2}$ to the county where the city, town, cemetery corporation, trust company, or trustee committing the offense is situated, but nothing herein contained shall be construed to compel any such city, town, cemetery corporation, trust company, or trustee to expend in any I year upon any such lot more than the income from any such fund.

See c. 50, § 8, re corporations without capital stock as trustees; 77 Me. 192; 111 Me. 252.

Sec. 15. Investment of funds. R. S. c. 24, § 15. As soon as may be, they shall invest the proceeds in the manner provided in section 106 of chapter 80, and the annual income only shall be expended in performance of the requirements of the trust.

Sec. 16. Town's acceptance recorded. R. S. c. 24, § 16. A copy of the record of the vote of the trustee so accepting a conveyance of lands shall be indorsed on the conveyance and certified thereon by the clerk of the grantee, and recorded in the registry of deeds with the conveyance.

Sec. 17. Cities and towns may hold money in trust for cemetery purposes. R. S. c. 24, § 17. Any person owning or interested in a lot in a public buryingground of a city or town may deposit with the treasurer of such city or town a sum of money not exceeding \$500, for the purpose of providing for the preservation and care of such lot, or its appurtenances, which sum shall be entered upon the books of the treasurer, and invested and held in accordance with the provisions of section 106 of chapter 80.

Sec. 18. May pass by-laws. R. S. c. 24, § 18. A city or town may pass such ordinances or by-laws as may be necessary for the purposes of the preceding section and not repugnant to law, and may receive such money for said purposes, and may invest and hold the same as provided in the preceding section.

Sec. 19. Cities and towns may accept trusts, relating to burial lots. R. S. c. 24, § 19. When any person owning or interested in a lot in a public burying-

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ground in a city or town deposits with the treasurer of such city or town a sum of money for the preservation or care of such lot as provided by the preceding section, said city or town may accept a conveyance of such lot for the uses and upon the trusts which may be set forth in said conveyance, and may bind itself to keep and perform the agreements, uses, and trusts contained in the deed of conveyance of such lot.

See c. 80, § 104, re investment of trust funds.

Public Cemeteries

Sec. 20. Incorporation of public cemeteries; exemption from attachment and taxation. R. S. c. 24, § 20. 1937, c. 99, § 3. 1939, c. 189. Any seven or more persons may be incorporated, not for profit, in the manner provided in sections 1 and 2 of chapter 50, for the purpose of owning, managing, and protecting lands and their appurtenances appropriated for public cemeteries; and the property of such corporations and the shares of stock therein are exempt from attachment and taxation. Any cemetery corporation may accept and receive donations of money, general legacies, and devises of real estate or legacies in trust, for the purpose of landscaping, general beautification, and care of lots, memorials, avenues, and plots in said cemetery, without being appointed or confirmed by any court as such trustee.

131 Me. 211.

Sec. 21. Deeds of burial lots, recorded. R. S. c. 24, § 21. Deeds of burial lots in any public cemetery may be recorded in the registry of deeds for the county or district where such cemetery is situated.

Sec. 22. Ownership and operation. 1937, c. 99, § 5. Every cemetery hereafter established shall be owned, maintained, or operated by:

I. A municipality, or other political subdivision of the state;

II. A church;

III. A religious or charitable society; or

IV. By a cemetery association incorporated as provided in sections I or 20.

Every such cemetery shall be located in accordance with statutes already in force and effect, and only after consent for such location has been obtained from the municipality, or other political subdivision, where the same is proposed to be located, as well as from the bureau of health; and no cemetery, community mausoleum, crematory, or columbarium hereafter established shall be maintained or operated for the purpose of private profit or gain, either directly or indirectly, to any director, officer, or member of the cemetery association or other agency owning, maintaining, or operating the same, or of any holding company or development company employed to develop, build, and dispose of the same. A cemetery lawfully established prior to July 24, 1937 may continue to be owned, maintained, and operated under the form of organization adopted therefor. Any corporation organized prior to July 24, 1937 which is authorized or empowered to own, construct, maintain, or operate cemeteries or burial grounds may lawfully own, construct, maintain, or operate mausoleums, crematories, or columbaria in connection therewith, in accordance with the laws existing and effective up to the time of July 24, 1937.

Sec. 23. Sales for speculative or investment purposes prohibited. 1937, c. 99, § 5. 1939, c. 167. The sale of cemetery lots and plots, or the sale of crypts

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in a community mausoleum, or niches in a columbarium, for speculative or financial investment purposes, or the conveyance of any portion of a cemetery already dedicated to burial purposes as security for debt, is prohibited, and every such conveyance, whether made by a person, or by a cemetery association, or company or association owning and operating a community mausoleum, crematory, or columbarium, or by any holding, development, or subsidiary company, shall be void and of no effect. Whoever makes or attempts to make a sale or conveyance contrary to the provisions of this section shall be guilty of a misdemeanor and punishable as provided in section 36.

Sec. 24. Care of cemeteries. 1937, c. 99, § 5. The proceeds of the sales of lots and plots in a cemetery shall be applied solely to the management, superintendence, improvement, and maintenance of the cemetery and the avenues, paths, and structures situated therein, for the purchase of additional cemetery land, and for the accumulation of a permanent care and improvement fund. If any indebtedness of a fixed amount is incurred in the purchase of lands for such cemetery, or in making any improvement therein, a sum not exceeding 50% of the gross receipts from the sale of burial lots and plots may be applied to the liquidation of such indebtedness. All moneys received from the sale of personal property and surplus real estate of a cemetery shall be applied first to the liquidation of any fixed indebtedness incurred by it on account of the purchase or improvement of the lands dedicated to cemetery purposes, and any residue remaining after the liquidation of such indebtedness shall be deposited in the permanent care and improvement fund of the cemetery. The provisions of this section shall not apply to any cemetery now organized and operating.

Sec. 25. Mausoleums, crematories, columbaria, etc., where to be located. 1937, c. 99, § 6. Every community mausoleum, other than a structure containing crypts erected or controlled by a church or a religious society and used only as a repository for the remains of the clergy or dignitaries of such church or religious society, and every crematory, columbarium, or other structure intended to dispose of, or hold, or contain the bodies or remains of the dead, shall be located only within the limits of a cemetery containing not less than 20 acres, which shall have been in existence and actually used for burial purposes for a period of at least 2 years immediately preceding the time of the erection thereof.

Construction of Mausoleums and Vaults

Sec. 26. Plans for burial structures must be presented to bureau of health for approval. R. S. c. 24, § 22. 1937, c. 99, § 7. Before any person, firm, or corporation shall build, construct, or erect any such community mausoleum, vault, or other burial structure, entirely above ground, or partly above and partly by excavation, with the intention and purpose that when so built, constructed, and erected the same may contain twenty or more deceased human bodies for permanent interment, such person, firm, or corporation shall present all plans for such construction to the bureau of health, and shall obtain the written approval of such plans, by said bureau, before proceeding with the construction and erection of said mausoleum, vault, or other burial structure.

Sec. 27. Crypts or catacombs, so constructed as to be readily examined. R. S. c. 24, § 23. 1937, c. 99, § 8. Any such community mausoleum, or other burial structure, shall be constructed of such materials and workmanship as will insure its durability and permanency as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the

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time by modern mausoleum construction and engineering science, and all crypts or catacombs placed in a mausoleum, vault, or other burial structure, as described in the preceding section, shall be so constructed that all parts thereof may be readily examined by the bureau of health, or any other health officer, and such crypts or catacombs, when used for the permanent interment of a deceased body, or bodies, shall be so hermetically sealed that no offensive odor or effluvia may escape therefrom.

Sec. 28. Mausoleums to be built under the supervision of the bureau of health. 1937, c. 99, § 9. The bureau of health shall have supervisory control over the erection of any such community mausoleum and shall enforce compliance with the approved plans and specifications therefor. Such bureau shall determine the reasonable amount of compensation for such supervision, which compensation shall be paid by the cemetery association or other agency erecting such community mausoleum. No departure from the original plans and specifications shall be permitted, except upon approval of the said bureau of health evidenced in like manner and form as the approval of the original plans and specifications.

Sec. 29. Mausoleums, crypts, etc., must be completed. 1937, c. 99, § 9. No community mausoleum, crypt, or structure erected as aforesaid shall be used for the purpose of depositing therein the remains of any dead body until the same, or a component section thereof, is fully completed, and the permanent care and improvement fund required by section 32 has been provided.

Sec. 30. Sale of crypts in uncompleted mausoleum prohibited. 1937, c. 99, § 9. No crypt in a community mausoleum shall be sold or offered for sale before said structure, or a component section thereof, is fully completed.

Sec. 31. Disposal of bodies in improper mausoleums, vaults, crypts, etc. 1937, c. 99, § 9. Whenever any mausoleum, vault, crypt, or other structure containing one or more dead human bodies shall, in the opinion of the bureau of health, become a menace to public health, and the owner thereof fails to remedy or remove the same to the satisfaction of the said bureau, any court of competent jurisdiction may order the owner of said structure to remove the dead body or bodies for interment in some suitable cemetery at the expense of such owner. If such owner cannot be found, such removal and interment shall be at the expense of the cemetery association in the cemetery in which such mausoleum, vault, crypt, or other structure is situated.

Sec. 32. Permanent care and improvement fund for mausoleums. 1937, c. 99, § 9. Every cemetery association, or other agency, establishing, maintaining, and operating a community mausoleum shall create and establish a permanent care and improvement fund, distinct and separate from the permanent care and improvement fund of its cemetery, the income whereof shall be devoted to the care, maintenance, and improvement of such community mausoleum. Such permanent care and improvement fund shall be created by applying to such fund at least 30% of the proceeds received, in full and installments, from the sales of crypts in such mausoleum.

Sec. 33. Custodian of mausoleum fund. 1937, c. 99, § 9. The treasurer of the cemetery in which such community mausoleum is situated shall be the custodian of the permanent care and improvement fund established therefor in the

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preceding section and every such fund shall be held, administered, and invested in the manner provided by law for funds in savings banks of this state.

See c. 55, § 38, re investment of funds in savings banks.

Sec. 34. Unauthorized cemetery, etc., may be enjoined or abated. 1937, c. 99, § 9. Any cemetery, community mausoleum, or columbarium established, maintained, or operated in violation of or contrary to the provisions of this chapter is declared to be a nuisance which may be abated or enjoined as such at the suit of any citizen of this state.

Sec. 35. Disposition of human bodies. 1937, c. 99, § 9. Except as otherwise provided by law, or in case of a dead body being rightfully carried through or removed from the state for the purpose of burial or disposition elsewhere, every dead body of a human being dying within the state, and the remains of any body after dissection therein, shall be decently buried, entombed in a mausoleum, vault, or tomb, or cremated within a reasonable time after death. The permanent disposition of such bodies or remains shall be by interment in the earth, or deposit in a chamber, vault, or tomb of a cemetery owned, maintained, and operated in accordance with the laws of this state, by deposit in a crypt of a mausoleum, or by cremation. The remains of a human body after cremation may be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of in any manner not contrary to law. No deposit of the bodies or remains of the human dead shall be made in a single chamber, vault, or tomb partly above and partly below the natural surface of the ground unless the part thereof below such surface is of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, waterproof and air tight, and capable of being sealed permanently to prevent all escape of effluvia, and unless the part thereof above the natural surface of the ground is constructed of natural stone of a standard not less than that required by the United States government for monuments erected in national cemeteries, or durability sufficient to withstand all conditions of weather.

Sec. 36. Penalties. R. S. c. 24, § 24. 1937, c. 99, § 10. Whoever fails to comply with or violates any of the provisions of this chapter in respect to the establishment, maintenance, or operation of a cemetery, community mausoleum, crematory, or columbarium, or to the disposal of dead human bodies, shall, unless another penalty is provided under the provisions of this chapter, be punished by a fine of not less than \$100, nor more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

Sec. 37. Recovery of fines or penalties. R. S. c. 24, § 25. All fines or penalties provided by the preceding section may be recovered or enforced by indictment, and the necessary processes for causing the crypts and catacombs to be sealed, or the bodies to be removed and buried, and execution to recover the necessary expenses thereof may be issued by any justice of the superior court, , in term time or vacation.

Sec. 38. Jurisdiction of courts. R. S. c. 24, § 26. 1933, c. 118, § 1. The superior court shall have original and concurrent jurisdiction in all cases under the provisions hereof, provided that judges of municipal courts and trial justices may cause the persons brought before them on complaint for violation of sections 26 or 27 to recognize with sufficient sureties to appear at the next term of the superior court, and, in default thereof, shall commit them.

See c. 121, §§ 30-32, re provisions for protection of dead bodies, graves, and monuments in cemeteries.

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Sec. 39. Vested rights. 1937, c. 99, § 11. The provisions of this chapter shall not be construed as affecting any vested rights of any cemetery association or other agency owning, maintaining, and operating a cemetery or crematory immediately prior to July 24, 1937. In so far, however, as said provisions do not violate any such vested rights, they shall, except as otherwise provided therein, apply to all such cemetery associations or other agencies.

CHAPTER 55.

BANKS AND BANKING.

Sections 1–16	The Bank Commissioner. Restrictions Upon Banking.
Sections 17-24	Organization of Savings Banks.
Sections 25-85	Management of Savings Banks.
Sections 86–139	Trust Companies.
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Sections 142–171	Loan and Building Associations.
Sections 172–179	Better Protection of Banks in Particular Transactions.
Sections 180–188	Industrial or Morris Plan Banks.
Section 189	Interest.
Sections 190-207	Licensed Small Loan Agencies.
Sections 208-222	Registration of Dealers in Securities.

The Bank Commissioner. Restrictions Upon Banking

Sec. 1. Appointment of bank commissioner; salary; duty not to disclose information; penalty; fees, collection and disposition of. R. S. c. 57, § 1; c. 125, §§ 17, 37; c. 126, § 15. 1931, c. 216, Art. II, §§ 15, 16; c. 222, § 1. 1939, c. 316. 1943, cc. 196, 320. The governor, with the advice and consent of the council, shall appoint a bank commissioner, who shall hold his office for 4 years, and until his successor is appointed and qualified, and who may be removed from office by the governor and council for cause. 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 \$5,000, 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; 1st, to United States government officials charged with the duty of supervising national banks; 2nd, to federal reserve officials; 3rd, to banking departments of other states; 4th, to the governor and treasurer of state; 5th, 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 pro-