

CHAPTER 505

BANKS AND TRUST COMPANIES

SUBCHAPTER 1

COMMON TRUST FUNDS

(REPEALED)

§4101. Establishment

(REPEALED)

SECTION HISTORY

PL 1977, c. 129 (RPR). PL 1979, c. 540, §24-C (RP).

§4102. Court accountings

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4103. Effective date

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

SUBCHAPTER 2

NOMINEES

§4151. Investments registered

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4152. Separate records

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4153. Applicability of provisions

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §24-C (RP).

§4161. Authorization

A bank or trust company organized and doing business under the laws of any state or territory of the United States of America, including the District of Columbia, and a national bank, duly authorized so to act, may be appointed and may serve in this State as trustee, whether of a corporate or personal trust, executor, administrator, guardian, conservator or committee for an incompetent person, or in any other fiduciary capacity, whether the appointment is by will, deed, court order or decree, or otherwise, when and to the extent that the state, territory or district in which such bank or trust company is organized grants authority to serve in like fiduciary capacities to a bank or trust company organized and doing business under the laws of this State and authorized to serve in like fiduciary capacities. [PL 1979, c. 690, §1 (REEN).]

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1979, c. 540, §24-C (RP). PL 1979, c. 690, §1 (REEN).

§4162. Application

Before qualifying or serving in this State in any fiduciary capacity, as defined in section 4161, the bank or trust company shall file an application for authority with the Secretary of State in the same form and subject to the same fees as required by Title 13-C, chapter 15. The application must be accompanied by a certificate, made within 90 days of filing, from the official having supervision of banks and trust companies where the bank was organized or is domiciled, indicating that it is duly authorized or presently existing, that it has authority to act in the fiduciary capacity for which it is qualifying and that the jurisdiction grants authority to serve in like fiduciary capacities to a bank or trust company organized under the laws of this State and authorized to serve in like fiduciary capacities. If the person supervising banks and trust companies cannot certify to reciprocity, it must be done by the attorney general of its state of domicile. In addition, the application must designate the Secretary of State as the person upon whom all notices and processes issued by or to any court of this State must be served in any action or proceeding relating to any trust, estate or matter within this State in which that bank or trust company is acting in any fiduciary capacity with like effect as personal service on that bank or trust company, the designation is irrevocable as long as any liability remains outstanding against that bank or trust company in this State. Upon receipt of the notice or process, the Secretary of State shall forthwith forward the same by registered mail to that bank or trust company at the address stated in the application. [RR 2001, c. 2, Pt. B, §36 (COR); RR 2001, c. 2, Pt. B, §58 (AFF).]

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1971, c. 439, §14 (AMD). PL 1973, c. 324 (RPR). PL 1979, c. 540, §24-C (RP). PL 1979, c. 690, §1 (REEN). RR 2001, c. 2, Pt. B, §36 (COR). RR 2001, c. 2, Pt. B, §58 (AFF).

§4163. Limitation

Sections 4161, 4162, 4163-A or this section shall not be construed to prohibit, permit or affect in any other way the right of a bank or trust company, organized and doing business under the laws of any other state, territory or district than Maine, including a national bank doing business in any other state, to establish in this State a place of business, branch office or agency for the conduct of business as a fiduciary. [PL 1979, c. 690, §1 (REEN).]

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1979, c. 540, §24-C (RP). PL 1979, c. 690, §1 (REEN).

§4163-A. Corporation; application

Nothing in sections 4161 to 4163 or this section requires any corporation to file an application pursuant to sections 4161 to 4163 or this section if the corporation is deemed not to be doing business

in this State under Title 13-C, section 1501 and Title 18-C, section 7-103. [PL 2017, c. 402, Pt. C, §34 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1979, c. 690, §2 (NEW). RR 2001, c. 2, Pt. B, §37 (COR). RR 2001, c. 2, Pt. B, §58 (AFF). PL 2017, c. 402, Pt. C, §34 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§4164. Application

(REPEALED)

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1979, c. 540, §24-C (RP).

§4165. Penalty

(REPEALED)

SECTION HISTORY

PL 1967, c. 127 (NEW). PL 1979, c. 540, §24-C (RP).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.