

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 964, L.D. 1295, Bill, "An Act to Amend the Laws Pertaining to the Protestant Episcopal Church"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. P&SL 1849, c. 229, §I, as amended by P&SL 1967, c.31, §I, is further amended to read:

Sec. I. Amount of real and personal estate that may be held. The trustees of the diocesan funds in the diocese of Maine shall have power to take and hold real and personal estate contributed for parochial endowments or other church purposes, ~~to the amount of \$8,000,000,~~ and to manage and dispose of the same in accordance with the terms of the several gifts, grants or endowments, ~~and in.~~ In accordance with the statutory authority conferred upon trustees, ~~and said the~~ trustees shall keep an account with each endowment or gift comprising said the fund, and shall report their deings actions in managing the same fund and the condition thereof, of the fund to the convention of the diocese annually.

Sec. 2. P&SL 1869, c. 180, §2, as repealed and replaced by P&SL 1977, c. 11, §1, is amended to read:

Sec. 2. Meetings must be held at such time as the parish designates. Said The agreement shall must also contain, ~~first~~ the name or title by which the parish shall ~~be is~~ known, which shall must be as follows, ~~namely:~~ The rector, wardens and vestrymen vestry of church in, but no parish shall may be organized in any town or city, bearing the

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2 same name with any other Protestant Episcopal church already
3 organized therein; ~~second,~~ in that town or city; the town or city
4 and county in which it is located; ~~third,~~ the number of vestrymen
5 members of the vestry, not exceeding eleven, 11; and the time of
6 the annual meeting, which shall must be at such the time as ~~such~~
~~parish shall designate~~ designated by the parish.

8 **Sec. 3. P&SL 1869, c. 180, §4,** as amended by P&SL 1967, c. 90,
9 §1, is further amended to read:

10 **Sec. 4. First meeting; how called.** Any ~~two~~ 2 or more persons who
11 have signed such the agreement may call the first meeting of such
12 the parish, at such time and place as they may see fit, by
13 publishing a notice for ~~five~~ 5 days previously to the time fixed
14 for such that meeting, in some newspaper published in the town or
15 city in which such that church is located, and if no newspaper is
16 published therein in that town or city, then such the notice may
17 be given by posting the same notice in ~~two~~ 2 public places in
18 such that city or town, and at such a meeting the affidavit of
19 such publishing or posting shall must be recorded in the minutes;
20 at such a meeting, in addition to the signers of such that
21 agreement, any person of full age shall ~~be~~ is entitled to vote,
22 who shall sign a declaration, in writing to be kept in the book
23 of minutes, whereby he ~~shall signify his~~ that person signifies
24 the intention of attaching himself to be attached to said the
25 church and accepting the terms of said the agreement. At such a
26 meeting ~~two~~ 2 wardens and the required number of vestrymen
27 members of the vestry may be elected, or at any adjournment
28 thereof of such a meeting.

29 **Sec. 4. P&SL 1869, c. 180, §5,** as amended by P&SL 1973, c. 32,
30 is further amended to read:

31 **Sec. 5. Qualifications of voters; eligibility to office.** At all
32 subsequent meetings, the right of voting shall ~~be~~ is confined to
33 the persons who became actually entitled to vote at the first
34 meeting, and to such other persons who are at least 15 years of
35 age as have, during the previous ~~six~~ 6 months, been stated
36 worshippers in said the church and stated contributors to its
37 support, and have signed the written declaration referred to in
38 section ~~four~~ 4. Any such person, male or female, shall ~~be~~ is
39 entitled to be elected a member of vestries, or a delegate to
40 diocesan or general conventions. Any such person, male or
41 female, shall ~~be~~ is entitled to be elected warden, provided if
42 that he person is at least 20 years of age.

43 **Sec. 5. P&SL 1869, c. 180, §6** is amended to read:

44 **Sec. 6. Rector.** The elected wardens and vestrymen ~~so elected~~
45 members of the vestry, ~~two-thirds~~ 2/3 of them the wardens and
46 members of the vestry concurring in the choice, may choose some
47 fit person, duly qualified, to act as minister or rector of
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2 said the church agreeably to the constitution of the Protestant
 4 Episcopal Church in the United States of America; their choice
 shall must be submitted to the parish for approval, and if
 6 approved by a majority of those present, at any duly called
 parish meeting, the person so elected shall be is the rector or
 8 minister of the parish. ~~The minister or rector so chosen shall
 10 preside at all meetings of the wardens and vestrymen and have a
 12 casting vote, unless the business or question to be decided has
 14 relation to the personal interest of said minister or rector;~~
 provided, ~~that in the absence of such rector or minister,~~ one of
 the wardens shall preside. Whenever a vacancy shall ~~occur~~ occurs
 in the office of minister or rector by death, removal or
 otherwise, the wardens and vestrymen members of the vestry may
 elect a successor in the mode hereinbefore provided.

16 **Sec. 6. P&SL 1869, c. 180, §7,** as repealed and replaced by P&SL
 18 1977, c. 11, §2, is repealed and the following enacted in its
 place:

20 **Sec. 7. Meetings to be held at such time as parish designates; terms of**
office. The annual meeting must take place at such time as the
 22 parish designates. The election of the requisite number of
 wardens and members of the vestry must be held at the annual
 24 meeting. The wardens and members of the vestry elected at the
 annual meeting serve until the next annual meeting and until
 26 their successors are chosen.

28 A parish may, by special vote, provide that the members of
the vestry chosen at a specified time must be divided into
 30 classes holding office for one, 2 and 3 years respectively and
that thereafter the term of a member of the vestry, except to
 32 fill vacancies, is for 3 years. A parish may also, by special
vote, provide that a member of the vestry may not be reelected at
 34 the end of a full 3-year term of office until an interval of at
least one year occurs.

36 **Sec. 7. P&SL 1869, c. 180, §§8, 9, 10 and 12** are amended to read:

38 **Sec. 8. Rights and liabilities.** The rector, wardens and vestrymen
 40 appointed ~~as aforesaid,~~ shall be vestry constitute a body
 corporate and politic, with all the rights and liabilities
 42 pertaining thereto, except as herein ~~provided;~~ provided,
 nevertheless, if otherwise provided in this Act. If at any time
 44 the parish be is without a minister or rector, the same rights
 and privileges shall be are vested in the wardens and vestrymen
 46 vestry.

48 **Sec. 9. Bylaws.** The rector, wardens and vestrymen members of
the vestry, or a majority of them, may make rules, by-laws bylaws
 50 and ordinances, and do everything needful and requisite for the
 good government and support of the parish, ~~provided that~~

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2 said. The rules, by-laws bylaws and ordinances shall may not be
3 repugnant to the constitution and laws of this state State or of
4 the United States; ~~all vacancies.~~ A vacancy in such the vestry
5 may be filled by the vestrymen members of the vestry at any
6 meeting, and the persons person elected to fill such vacancies
7 ~~shall hold for the same period as their predecessors would have~~
8 ~~done~~ a vacancy serves for the remainder of the unexpired term.

9
10 **Sec. 10. Temporal affairs; by whom managed.** All temporal
11 affairs of such the parishes shall ~~be~~ are managed by the rector,
12 wardens and vestrymen ~~thereof~~ vestry of those parishes, and they
13 shall have authority to alter, erect, repair, enlarge, and in
14 case they deem determine it necessary, to take down or remove and
15 rebuild any church or other building belonging to such the
16 corporation.

17
18 **Sec. 12. Reorganization; how effected.** Any parish of the
19 Protestant Episcopal Church, heretofore organized under any other
20 general law may reorganize, so as to become subject to the
21 provisions of this act Act, whenever such the parish shall at any
22 duly called parish meeting authorize authorizes the wardens and
23 vestrymen members of the vestry to execute and acknowledge an
24 agreement as provided in this act Act, which agreement shall must
25 in addition to the requisites mentioned in the ~~first~~ section 1,
26 set forth that it is executed for the purpose of reorganizing
27 such the parish according to the provisions of this act Act.
28 Such an agreement shall ~~be~~ is deemed sufficient when so executed
29 and acknowledged by a majority of such the wardens and vestrymen,
30 members of the vestry and recorded in said the registry of deeds.

31
32 **Sec. 8. P&SL 1869, c. 180, §13,** as amended by P&SL 1977, c. 11,
33 §3, is further amended to read:

34 **Sec. 13. Amended to conform with change in date of annual**
35 **meeting.** Upon such the execution, acknowledgment and recording
36 of such an agreement, such the parish shall, without further
37 action, be is deemed to all intents and purposes reorganized, and
38 all rights of property and of contract shall remain unimpaired,
39 and the corporate identity of such the parish shall ~~continue~~
40 continues unchanged. The wardens and vestrymen members of the
41 vestry in office shall continue therein in those offices until
42 the annual election next following such the reorganization, and
43 until a new board shall ~~be~~ is chosen, and no other meeting or
44 notice shall ~~be~~ is necessary to complete such the reorganization;
45 ~~provided, that when.~~ When a new board shall ~~be~~ is chosen, it
46 shall must consist of the number of vestrymen members of the
47 vestry required by such the articles of reorganization.
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STATEMENT OF FACT

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The amendment amends the enabling laws for the organization of the Protestant Episcopal Church in this State by making those provisions gender neutral and making other technical changes to the laws.

The amendment also removes the dollar limitation for the amount allowed in the diocesan funds in the diocese of Maine. All other state law protections remain the same.

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