

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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**Legislative Document**

**No. 1295**

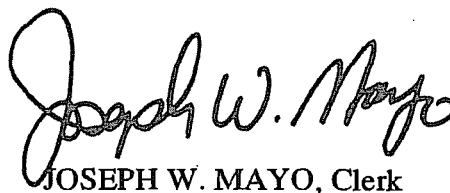
H.P. 964

House of Representatives, April 19, 1993

**An Act to Amend the Laws Pertaining to the Protestant Episcopal Church.**

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Reference to the Committee on Legal Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative CATHCART of Orono.

Be it enacted by the People of the State of Maine as follows:

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 P&SL 1869, c. 180, §2, as repealed and replaced by P&SL 1977, c. 11, §1, is amended to read:

6       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~~ members of the vestry of                    church in                    ; but no parish shall may be organized in any town or city, bearing the same name with any other Protestant Episcopal church already organized ~~therein in that town or city~~; ~~second~~, the town or city and county in which it is located; ~~third~~, the number of ~~vestrymen~~ members of the vestry, not exceeding eleven, 11; and the time of the annual meeting, which shall must be at ~~such~~ the time as such parish shall ~~designate~~ designates.

18       Sec. 2. P&SL 1869, c. 180, §4, as amended by P&SL 1967, c. 90, §1, is further amended to read:

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

42       Sec. 3. P&SL 1869, c. 180, §5, as amended by P&SL 1973, c. 32, is further amended to read:

44       Sec. 5. Qualifications of voters; eligibility to office. At all subsequent meetings, the right of voting shall ~~be~~ is confined to the persons who became actually entitled to vote at the first meeting, and to such other persons who are at least 15 years of age as have, during the previous ~~six~~ 6 months, been stated worshippers in ~~said the~~ church and stated contributors to its support, and have signed the written declaration referred to in

15  
2 section four 4. Any such person, male or female, shall-be is  
3 entitled to be elected a member of vestries, or a delegate to  
4 diocesan or general conventions. Any such person, male or  
5 female, shall-be is entitled to be elected warden, provided if  
6 that he person is at least 20 years of age.

8 Sec. 4. P&SL 1869, c. 180, §6 is amended to read:

10 Sec. 6. Rector. The electd wardens and ~~vestrymen so elected~~  
11 members of the vestry, ~~two-thirds 2/3 of them~~ the wardens and  
12 members of the vestry concurring in the choice, may choose some  
13 fit person, duly qualified, to act as minister or rector of said  
14 the church agreeably to the constitution of the Protestant  
15 Episcopal Church in the United States of America; their choice  
16 shall must be submitted to the parish for approval, and if  
17 approved by a majority of those present, at any duly called  
18 parish meeting, the person so elected shall-be is the rector or  
19 minister of the parish. The minister or rector so chosen shall  
20 ~~preside at all meetings of the wardens and vestrymen and have~~ has  
21 a casting vote, unless the business or question to be decided has  
22 relation to the personal interest of said the minister or rector;  
23 ~~provided, that in.~~ The rector or minister and wardens and vestry  
24 may elect a person from among themselves to preside at vestry  
25 meetings. In the absence of ~~such rector or minister~~ the person  
26 electd, one of the wardens shall preside. Whenever a vacancy  
27 shall-~~occur~~ occurs in the office of minister or rector by death,  
28 removal or otherwise, the wardens and ~~vestrymen~~ members of the  
29 vestry may elect a successor in the mode ~~hereinbefore~~ provided.

30 Sec. 5. P&SL 1869, c. 180, §7, as repealed and replaced by P&SL  
31 1977, c. 11, §2, is repealed and the following enacted in its  
32 place:

34 Sec. 7. Meetings to be held at such time as parish designates; terms of  
35 office. The annual meeting must take place at such time as the  
36 parish designates. The election of the requisite number of  
37 wardens and members of the vestry must be held at the annual  
38 meeting. The wardens and members of the vestry elected at the  
39 annual meeting serve until the next annual meeting and until  
40 their successors are chosen.

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

50 Sec. 6. P&SL 1869, c. 180, §§8, 9, 10 and 12 are amended to read:

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

10           **Sec. 9. Bylaws.** The rector, wardens and vestrymen members of  
12 the vestry, or a majority of them, may make rules, by-laws bylaws  
and ordinances, and do everything needful and requisite for the  
14 good government and support of the parish,~~--provided--that--said.~~  
The rules, by-laws bylaws and ordinances shall may not be  
16 repugnant to the constitution and laws of this state State or of  
the United States,~~--all--vacancies.~~ A vacancy in such the vestry  
18 may be filled by the vestrymen members of the vestry at any  
meeting, and the persons person elected to fill such vacancies  
20 shall--hold--for--the--same--period--as--their--predecessors--would--have  
done a vacancy serves for the remainder of the unexpired term.

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

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

46           **Sec. 7. P&SL 1869, c. 180, §13,** as amended by P&SL 1977, c. 11,  
§3, is further amended to read:

48           **Sec. 13. Amended to conform with change in date of annual**  
50 **meeting.** Upon such the execution, acknowledgment and recording  
of such an agreement, such parish shall, without further action,

2 be is deemed to all intents and purposes reorganized, and all  
rights of property and of contract shall remain unimpaired, and  
4 the corporate identity of such parish shall ~~continue~~ continues  
unchanged. The wardens and vestrymen members of the vestry in  
6 office shall continue therein in those offices until the annual  
election next following such the reorganization, and until a new  
8 board shall-be is chosen, and no other meeting or notice shall-be  
is necessary to complete such the reorganization, ~~provided, that~~  
10 when. When a new board shall-be is chosen, it shall must consist  
of the number of vestrymen members of the vestry required by such  
the articles of reorganization.

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#### STATEMENT OF FACT

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This bill 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.