

MAINE STATE LEGISLATURE

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THE MICHIE COMPANY
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Chapter 57.

Parishes and Religious Societies. Ministerial and School Lands and Funds.

Parishes and Religious Societies.

Sec. 19. Officers of churches are corporations for certain purposes; organization and powers.—The church wardens of Episcopal churches, the stewards or trustees of the Methodist church and the deacons of all other Protestant churches are so far corporations as to take, in succession, all grants and gifts of real and personal estate made to their churches or to them and their successors. If the ministers, elders or vestrymen are joined with them in such grants or gifts, the 2 classes of officers shall be corporations for that purpose. For the purpose of organizing any such corporation, one or more members of said corporation may call a meeting thereof by a notice posted upon the outer door of the meetinghouse or place of public worship of their parish or society at least 7 days before the time of holding such meeting; or, if there is no such meetinghouse or place of public worship, by a notice posted in 2 public and conspicuous places in the town wherein said parish or society is located. At such meeting the corporation may organize, adopt a corporate name and elect such officers as its by-laws shall prescribe. Said corporations shall have the powers granted to parishes by section 3 and may make such contracts in relation to such estate, its improvement or disposal, as they may be authorized under the rules of their church, or instructed by the church or society for which they hold such estate in trust, to make, which contracts may be enforced by or against them, as in other cases. No disposal of such estate shall be made, inconsistent with the terms of the grant by which it is held. Trustees of the local Methodist churches are created a corporation with all the rights and privileges of corporations, subject to the restrictions contained in the book of discipline of the Methodist church. (R. S. c. 53, § 19. 1961, c. 417, § 148.)

Effect of amendment. — The 1961 amendment divided the first and fourth sentences each into two sentences and deleted “Episcopal” following “Methodist” in the present first, sixth and seventh sentences.

Sec. 20. Ministers and officers of religious societies, their powers.—The ministers of a parish or religious society and the deacons, elders, trustees, stewards and other presiding officers of a religious society or church, having by its usages no settled minister, may take, in succession, any estate granted to the minister and his successors, or for the use of the ministry or poor of the church; and may prosecute and defend all civil actions respecting it; but they shall not so take, while the clear annual income of prior grants is \$3,000. (R. S. c. 53, § 20. 1963, c. 414, § 41.)

Effect of amendment. — The 1963 amendment substituted “civil actions” for “suits” near the end of this section.

Protection of Property Dedicated to Pious Uses.

Sec. 33. Property dedicated to pious uses, having no legal custodians and becoming wasted, sold by order of court.—Where any property in the state, dedicated and ordained for pious uses, has no proper or legal custodian, so that it is becoming wasted and the utility thereof is lost, upon the application of any person or patriotic or religious society interested in having such property preserved and applied to the uses for which it was originally intended, or for some public or patriotic purpose, the attorney general shall file a complaint seeking equitable relief, in the nature of an information, against such

property and all persons interested therein, praying for the appointment of trustees to care for such property and for the proper application and disposal thereof, and the court may order such notice as seems proper, and may appoint receivers or trustees therefor, and upon final decree, may order the care, custody, sale, application or disposal of such property as will best serve the purposes for which it was originally intended, or some public or patriotic purpose. The court may convey or transfer such property to any religious or patriotic body, to be held and applied for the purposes of such trust as the court may declare; and it shall have power to treat, care for and dispose of the same in furtherance of such pious, public or patriotic uses as may seem best suited to the case and situation. (R. S. c. 53, § 33. 1961, c. 317, § 157.)

Effect of amendment.—The 1961 amendment substituted “complaint seeking equitable relief” for “bill in equity” near the middle of the first sentence of this section.

Meetinghouses.

Sec. 40. Proprietors dissenting, entitled to appraised value of their interest; limitation and forfeiture.—When it is decided to repair, remodel or rebuild a meetinghouse, any owner or proprietor dissenting from the action of the majority and declining to take an interest in the house as altered may demand and receive of such majority the appraised value of his interest after deducting his proportion of debts against the property, to be recovered in a civil action; which shall not be commenced until 30 days after such demand, nor after the lapse of a year after notice is posted for 3 successive weeks on the meetinghouse door and some other conspicuous place in its precinct, stating the persons to whom the money is to be paid, the amount payable to each and the time limited for payment. If said sums are not demanded within said time, they are forfeited to the majority for parish uses. This section does not apply to any case where the repairs decided upon are only such as are necessary to keep such meetinghouse in a tenable condition. (R. S. c. 53, § 40. 1961, c. 317, § 158.)

Effect of amendment.—The 1961 amendment substituted “a civil action” for “an action for money had and received” in the first sentence of this section and substituted “This section does” for “The provisions of this section do” at the beginning of the third sentence.

Ministerial and School Lands, and Funds Therefrom.

Sec. 54. Investment of funds.—As soon as may be the corporation shall invest the proceeds of sale in the manner provided in section 21 of chapter 90-A. (R. S. c. 53, § 54. 1957, c. 405, § 9.)

Effect of amendment. — The 1957 amendment changed the reference from “section 120 of chapter 91” to “section 21 of chapter 90-A”.

Sec. 58. Administration of ministerial and school funds.—The ministerial and school funds now held in trust by any town or by a corporation existing under the provisions of section 51 may be turned over to the treasurer of state to be administered in accordance with the terms and provisions of such trust and which shall be invested by him in the same manner as provided for investments in securities enumerated in subsections I to IX, inclusive, of section 19-I of chapter 59. Such town or corporation thereupon shall be relieved of any further duties or liabilities for such funds, provided such town, acting under an appropriate article in the warrant at any annual town meeting, shall vote to cause such funds to be entrusted to the treasurer of state. (R. S. c. 53, § 58. 1957, c. 397, § 36.)

Effect of amendment. — The 1957 amendment changed the reference from “section 42 of chapter 59” to “section 19-I of chapter 59” and made other minor changes.

Sec. 64. Return of doings of committee.—The members of the committee shall make return of said warrant and their doings thereon, to the 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. Thereafter the land 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. (R. S. c. 53, § 64. 1961, c. 317, § 159.)

Effect of amendment.—The 1961 amendment divided this section into two sentences and deleted “next” preceding “superior court” in the present first sentence.

Chapter 58.

Burying Grounds. Public Cemeteries. Mausoleums and Vaults.

Burying Grounds.

Sec. 2. Repealed by Public Laws 1963, c. 318, § 1.

Sec. 3. Ancient or public burying grounds cared for.—In any ancient or public burying ground in which any Revolutionary soldiers or sailors 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 shall be liable to a penalty of not more than \$100 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 on said graves. The penalties shall be recovered in a civil action 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. (R. S. c. 54, § 3. 1961, c. 317, § 160. 1963, c. 318, § 2.)

Effect of amendments. — The 1961 amendment deleted “above provided for” formerly following “penalties” and substituted “a civil action” for “an action of debt” in the last sentence of this section.

The 1963 amendment deleted the former provisions at the beginning of the first

and third sentences relating to maintenance of fences, substituted “ancient or public burying ground” for “such burying ground” in the first sentence, substituted “\$100” for “\$10” in the third sentence, and deleted “as aforesaid” formerly following “trimmed” near the end of such sentence.

Sec. 4. Neglect of town or parish officers.—If such officers, treasurer or committee neglect so to apply such fines, they each forfeit the amount thereof, in a civil action, to any person suing therefor. (R. S. c. 54, § 4. 1961, c. 317, § 161.)

Effect of amendment.—The 1961 amendment substituted “a civil action” for “an action of debt” in this section.

Sec. 5. Ancient or public burying grounds in unincorporated places cared for by county commissioners. — 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 burying grounds to be kept in