

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

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 “section 120 of chapter 91” to “section 21 amendment changed the reference from 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 of chapter 59” and made other minor amendment changed the reference from changes. “section 42 of chapter 59” to “section 19-I

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 amend- tences and deleted “next” preceding “su- ment divided this section into two sen- perior court” in the present first sentence.

Chapter 58.

Burying Grounds. Public Cemeteries. Mausoleums and Vaults.

Burying Grounds.

Sec. 3. Ancient or public burying grounds cared for.— Each town, parish, religious society and any individual, association or corporation to which any ancient or public burying ground belongs shall keep a substantial fence around it in good repair; and in any such 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, 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 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.)

Effect of amendment.—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.

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 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. All expenses and costs incurred in any county while carrying out this section shall annually be assessed, by the county commissioners, against the estates of said county. (R. S. c. 54, § 5. 1953, c. 316. 1961, c. 318.)

Effect of amendment.—The 1961 amendment the last sentence of this section was applicable only to “Piscataquis County”.

Sec. 9. Public cemetery enlarged. — 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. The limits thereof shall not be extended nearer any improved land used for recreational purposes or 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 burying ground by selling or otherwise disposing of land so that the limits thereof shall be extended nearer any improved land used for recreational purposes or dwelling house or well than 25 rods against the written protest of the owner. Nothing in 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 improved land used for recreational purposes or dwelling house or well. (R. S. c. 54, § 9. 1957, c. 247.)

Effect of amendment. — The 1957 amendment made this section, which formerly appeared as two sentences, into four sentences and inserted the words “improved land used for recreational purposes or” in the present second, third and fourth sentences.

Sec. 15. Investment of funds. — Cemetery trust funds of any cemetery corporation or association, trust company, church, religious or charitable society, or other trustee, shall be invested in the manner provided in chapter 90-A, section 21, and, unless the instrument or order creating the trusts prohibits, may be combined with other similar trust funds in the manner provided in chapter 90-A, section 19, and the annual income only shall be expended in performance of the requirements of the trust. (R. S. c. 54, § 15. 1957, c. 405, § 10. 1959, c. 330, § 3.)

Effect of amendments. — The 1957 amendment changed the reference from “section 120 of chapter 91” to “section 21 of chapter 90-A”. The 1959 amendment rewrote this section.

Sec. 17. Cities and towns may hold money in trust for cemetery purposes.—Any person owning or interested in a lot or lots in a public burying ground of a city or town may deposit with the treasurer of such city or town a sum of money for the purpose of providing for the preservation and care of such lot or lots, or their appurtenances, which sum shall be entered upon the books of the treasurer and invested and held in accordance with the provisions of section 21 of chapter 90-A. (R. S. c. 54, § 17. 1949, c. 66. 1957, c. 405, § 11.)

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

Chapter 59.

Banks and Banking.

Sections 1-A to 1-P. The Bank Commissioner. Organization. Powers.
 Sections 19-A to 19-L. Savings Banks.
 Sections 154-A to 154-G. Mutual Trust Investment Company Act.
 Sections 157-A to 157-Z-36. Savings and Loan Associations.
 Sections 246-248. Nominees.
 Sections 249-260. Motor Vehicle Sales Finance Act.

The Bank Commissioner. Deputy.

Secs. 1. Repealed by Public Laws 1961, c. 385, § 2.

The Bank Commissioner. Organization. Powers.

Sec. 1-A. Declaration of policy.—It is declared to be the policy of the state that the business of all financial institutions shall be supervised by the department of banks and banking in a manner to maintain and promote safe and sound financial practices; the strength, stability and efficiency of financial institutions; the security of deposit and share funds; reasonable and orderly competition; and the development and expansion of financial services advantageous to the public welfare. (1961, c. 385, § 1.)

Sec. 1-B. Definitions.—The following words and phrases used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

I. Banking business. “Banking business” means

A. The soliciting, receiving or accepting of money or its equivalent on deposit as a regular business by any person, copartnership, association or corporation whether such deposit is made subject to check or is evidenced by a certificate of deposit, a passbook, a note, a receipt or other writing; provided that nothing herein shall apply to or include money left with an agent, pending investment in real estate or securities for or on account of his principal; or

B. The loan of money for profit by a corporation except as a reasonable incident to the transaction of other corporate business or when necessary to prevent corporate funds from being unproductive.

II. Commissioner. “Commissioner” means the bank commissioner.

III. Department. “Department” or “banking department” means the department of banks and banking.