

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 63

House of Representatives, Jan. 31, 1911.

Introduced by Mr. Couture of Lewiston, who moved its reference to the Committee on Legal Affairs. By him tabled for printing pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

PETITION to repeal Chap. 151, Private and Special Laws of 1887, and to substitute in its stead an act providing for incorporation of Roman Catholic Parishes.

To the Honorable Senate and House of Representatives in Legislature Assembled:

We, the undersigned, duly authorized, hereby petition your honorable Body to repeal Chapter 151 of the Private and Special Laws of the State of Maine, for the year 1887, entitled "An act to create the Roman Catholic Bishop of Portland and his successors, a Corporation Sole" and to substitute in its stead an act providing for the incorporation of Roman Catholic Parishes.

GODFRAY S. DUPRE,
GEORGE C. PRECOURT, M. D.,
ALBERT J. BELAND,
ALBERT C. MAYNARD, M. D.

Members of the Executive Committee of the French-American Catholics of the State of Maine.

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

Section 1. Chapter one hundred and fifty-one of the Private and Special Laws of the State of Maine for the year 1887, creating the Roman Catholic Bishop of Portland and his successors, a corporation sole, is hereby repealed. Provided, however, that debts contracted and securities given by said Roman Catholic Bishop of Portland shall become the debts of and an encumbrance on the property, real and personal, of the parishes and corporations organized and created by this and the twelve following sections of this chapter; but the creditors, pledgees or mortgagees, of the said Roman Catholic Bishop of Portland shall within two years from the first day of August, 1911, and six months before the commencement of any process to collect, enforce or foreclose, any debt, pledge or mortgage, against the property, real or personal, and heretofore held by the said Roman Catholic Bishop of Portland, give notice of their election and intention to so collect, enforce and foreclose, to the Roman Catholic Bishop of Portland and to the said parishes and corporations; and provided further, that real and personal property, received, taken and held in trust by said Roman Catholic Bishop of Portland for charitable, educational, burial, religious and church purposes, shall be received, taken, held and used for charitable, educational, burial, religious and church purposes by the persons, societies, corporations or parishes for the benefit and uses of which said property,

26 real or personal, has been heretofore held by said Roman
27 Catholic Bishop of Portland, provided, said persons, so-
28 cieties, corporations or parishes shall become parishes and
29 corporations under this and the twelve following sections of
30 this Chapter.

Sect. 2. When five or more members of any Roman Cath-
2 olic Parish or Church now existing, who are twenty years
3 of age and upward, are desirous of becoming an incorpo-
4 rated Roman Catholic Parish or Church, they may apply
5 to a Justice of the Peace, who shall issue his warrant to one
6 of them, directing him to notify the other applicants to meet
7 at some proper place designated in said warrant; and he
8 shall give notice of such meeting seven days at least before
9 holding the same, by posting a notification thereof on the
10 outer door of such Church, or at such other place as the
11 justice appoint.

Sect. 3. Such persons so assembled shall elect a chairman
2 and a secretary for the purposes of said meeting. They
3 shall then by ballot proceed to vote upon the question
4 whether the parish or church will become incorporated here-
5 under. If a majority of the ballots cast shall be in favor of
6 the parish or church becoming incorporated, it shall there-
7 upon become a body corporate with all the powers, rights
8 and privileges of corporations, including the right to make
9 by-laws for its own government, to receive, take and hold
10 real and personal property, as provided in section one of
11 this chapter, and to take by gift, purchase, devise or bequest,

12 such other real and personal property as may be deemed
13 useful by said parish or church for charitable, educational,
14 burial, religious and church purposes, subject to all the lia-
15 bilities imposed by the general statutes of this State.

Sect. 4. They shall by ballot, at the same meeting, elect a
2 Board of Directors consisting of three lay members of the
3 parish or church who shall be elected and remain in office
4 as follows: Such lay member receiving the largest number
5 of votes shall be elected to serve for a term of three years,
6 the member receiving the next larger number of votes shall
7 be elected to serve for a term of two years, and the mem-
8 ber receiving the third larger number of votes shall be elect-
9 ed for the term of one year; and annually thereafterwards,
10 one member shall be elected to fill the vacancy created by
11 the expiration of the term of the outgoing member. The
12 Pastor of the parish or church shall be ex-officio the chair-
13 man of the Board of Directors and President of the Cor-
14 poration. At the same meeting, and annually thereafter-
15 wards, they shall elect a secretary, a treasurer and a collec-
16 tor for the term of one year. Said secretary, treasurer and
17 collector shall be chosen from the three lay-members of the
18 Board of Directors.

Sect. 5. Within sixty days after the organization of a par-
2 ish under the foregoing sections, the President, Secretary
3 and Treasurer of said parish shall prepare, sign and make
4 oath to a certificate setting forth the name of the parish and
5 its purposes and a sufficient description of the real estate

6 received, taken and held by said parish and cause the same
7 to be recorded in the Office of the Registry of Deeds in the
8 County in which said real estate is situated, and cause said
9 certificate to be filed with the Secretary of State. In the
10 event of either of the said officials refusing to execute said
11 certificate, a majority of the Board of Directors may execute
12 the same.

Sect. 6. The Board of Directors shall manage the pruden-
2 tial concerns of the parish, raise money by renting pews and
3 assessing taxes for services and admission to the church and
4 by any other lawful means, but no money shall be paid out
5 of the funds of the parish and no collection shall be taken
6 up in the church unless such payment and collection shall
7 have been approved by the unanimous vote of the Board of
8 Directors, and in lieu of a unanimous vote of the Board of
9 Directors, by the approval of two-thirds of the members
10 of the parish or church. The dissenting director, shall with-
11 in fourteen days report his dissent to and call a meeting of
12 the parish, by posting on the outer door of the church a no-
13 tice stating the subject matter of the question voted on, his
14 dissent, and the time and place of the meeting.

Sect. 7. When it shall be deemed advisable, either by the
2 Roman Catholic Bishop or Bishops, or by interested Roman
3 Catholics, either to establish a new parish and build a new
4 church or to divide an existing parish and set off a portion
5 of the parishioners for the purpose of establishing a new
6 parish and erecting a new church, with or without the re-

7 quest of interested Catholics, the Roman Catholic Bishop or
8 Bishops may call or cause to be called a meeting of such
9 persons as are interested, intended or designated to become
10 members of the new parish for either of the purposes men-
11 tioned in this section, and if two-thirds of such prospective
12 members of the contemplated new parish, of the age of six-
13 teen and upward, of either sex, by ballot, decide to become
14 members of the new parish and build a new church, said
15 parish shall become a body corporate and organized in the
16 manner and for the purposes provided in sections three, four,
17 five and six of this Chapter. In no case shall a new parish
18 and a new church be erected without the consent of the Ro-
19 man Catholic Bishop or Bishops in this State.

Sect. 8. The Parish Priest and the Secretary of the Board
2 of Directors shall each have a key to any door of the church
3 and its appurtenances.

Sect. 9. No conveyance in fee simple of the real estate of
2 a parish shall be valid unless it is signed and sworn to by at
3 least a majority of the Board of Directors, approved by the
4 Bishop or Bishops, and two-thirds of the voters of the parish
5 or church.

Sect. 10. After the organization of a parish under either
2 of the modes above prescribed, it shall be lawful for any
3 parish or church to determine the qualifications of the voters
4 of the parish.

Sect. 11. No debt shall be contracted and no liability for
2 an amount exceeding the sum of five hundred dollars shall

3 be assumed by any parish or church organized under this
4 chapter except with the written consent of the Roman Cath-
5 olic Bishop or Bishops in this State.

Sect. 12. It shall be lawful for any parish or church or-
2 ganized under this chapter to appoint a committee or com-
3 mittees and require the treasurer of said parish or church to
4 pay over to the duly authorized officer or officers of said
5 committee or committees whatever sums of money may be
6 deemed advisable for the purpose of establishing and main-
7 taining the educational and charitable works of the parish or
8 church.