

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

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## CHAPTER 62.

## Corporations Without Capital Stock.

Sections 1-11 Corporations for Literary, Charitable, Educational and other Purposes.

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## Corporations for Literary, Charitable, Educational and Other Purposes.

**Sec. 1. Organization.** R. S. c. 57, § 1. 1905, c. 72. 1907, c. 67. 1911, c. 80. When seven or more persons desire to be incorporated as proprietors of a social, military, literary, scientific or county law library; as a masonic lodge or chapter of any order or degree; as a masonic association consisting of members of different orders or degrees; as a lodge of the independent order of odd fellows; as a lodge of the knights of pythias; as a division of the sons of temperance; as a tent of the rechabites; as a grange of patrons of husbandry; as a council of the sovereigns of industry; as a grand army post; as a relief or benefit association for mutual assistance; as a monument or memorial association; as a society to promote temperance; as a village improvement society; as an association for the promotion of good municipal government; as a yacht club; or for any literary, scientific, musical, charitable, educational, social, military, agricultural, moral, religious or benevolent purpose; they may apply in writing to any justice of the peace in the county, who may issue his warrant, directed to one of said applicants, requiring him to call a meeting thereof at such time and place as the justice may appoint.

90 Me. 410; 91 Me. 255; 94 Me. 400; 98 Me. 176; 104 Me. 329.

**Sec. 2. Notice of meeting.** R. S. c. 57, § 2. Such applicant may call it, by reading the warrant in the presence and hearing of each, or by leaving an attested copy thereof at his last and usual place of abode, at least fourteen days before the day of meeting, or by publishing an attested copy thereof in some newspaper printed in said county, for two weeks successively, the first publication to be at least fourteen days before the day of meeting.

94 Me. 400.

**Sec. 3. Organization and powers.** R. S. c. 57, § 3. When assembled pursuant to the warrant, they may organize themselves into a corporation, adopt a corporate name, and they, their associates and successors may have continual succession; have a common seal; elect all necessary officers; adopt by-laws, not inconsistent with law, and enforce the same by suitable penalties; have the same rights and be under the same liabilities, as other corporations, in prosecuting and defending suits at law; and enjoy all other rights, privileges and immunities, of a legal corporation.

94 Me. 400.

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**Sec. 4. Certificate recorded in registry of deeds and secretary of state's office; fees.** R. S. c. 57, § 4. 1911, c. 133. Before commencing business the president, treasurer and a majority of the directors or trustees of every corporation organized under the foregoing sections shall prepare a certificate setting forth the name and purposes of the corporation, the town where located, the number and names of the officers, and shall sign and make oath to it; and after it has been examined by the attorney-general, and been by him certified to be properly drawn and signed and to be conformable to the constitution and laws, it shall be recorded in the registry of deeds in the county where said corporation is located, in a book kept for that purpose, and within sixty days after the day of the meeting at which such corporation is organized, a copy thereof certified by such register shall be filed in the secretary of state's office, who shall enter the date of filing thereon, and on the original certificate to be kept by the corporation, and shall record said copy in a book kept for that purpose. No fee shall be payable to the attorney-general or secretary of state for services under this section, but registers of deeds shall receive for recording such certificate the fees provided by section eighteen of chapter one hundred and eighteen.

**Sec. 5. Power to hold property.** R. S. c. 57, § 5. Such corporation may take and hold by purchase, gift, devise or bequest, personal or real estate, in all not exceeding in value one hundred thousand dollars, owned at any one time, and may use and dispose thereof only for the purposes for which the corporation was organized.

90 Me. 410.

**Sec. 6. Charitable corporations, suits by or against.** R. S. c. 57, § 6. No corporation, organized for charitable or benevolent purposes, shall sue any of its members for dues or contributions of any kind, or be sued by any member for any benefit or sum due him, but all such rights and benefits, dues and liabilities, shall be regulated and enforced only in accordance with its by-laws.

95 Me. 497.

**Sec. 7. Use of name of state in title forbidden, under penalty of forfeiture of appropriation.** 1913, c. 134. No charitable institution or association of a private or of a semi-public nature, incorporated by special act of the legislature or organized in conformity with section one of this chapter after the eleventh day of July, one thousand nine hundred and thirteen, shall use the name of the state in its title. If, upon complaint by any person, the governor and council, after notice and hearing, find that any institution or association has violated the provisions of this section, such institution or association shall forfeit its right to any appropriation from the state.

**Sec. 8. Protection of certain corporations or organizations in use of names and emblems; prior and exclusive use of names.** 1909, c. 6, § 1. No person, society, association or corporation shall assume, adopt, or use the name of a benevolent, humane, fraternal or charitable organization, incorporated under the laws of this state, or any other state, or of the United States, or holding its charter or warrant under some recognized supreme grand body having authority to issue the same, or a name so nearly resem-

bling the name of such incorporated or chartered organization as to be a colorable imitation thereof, or calculated to deceive persons not members, with respect to such organization. In all cases where two or more such societies, associations, corporations or organizations claim the right to the same name, or to names substantially similar as above provided, the organization which was first organized and used the name, or first became incorporated under the laws of the United States or of any state, shall be entitled in this state to the prior and exclusive use of such name, and the rights of such societies, associations, corporations or organizations and of their individual members shall be fixed and determined accordingly.

**Sec. 9. Badge, button, emblem, decoration, etc., not to be worn, or name assumed, without authority.** 1909, c. 6, § 2. No person shall wear or exhibit the badge, button, emblem, decoration, insignia, or charm, or shall assume or use the name of any benevolent, humane, fraternal or charitable corporation, incorporated under the laws of this state, or any other state, or of the United States, or holding its charter or warrant under some recognized supreme grand body having authority to issue the same, or shall assume or claim to be a member thereof, or of a benevolent, humane, fraternal or charitable corporation or organization, the name of which shall so nearly resemble the name of any other corporation or organization existing prior to the organization of the corporation, organization or association of which such person may claim to be a member, the name whereof may be calculated to deceive the people with respect to any such prior corporation or organization, unless he shall be authorized under the laws, statutes, rules, regulations and by-laws of such former corporation or organization to wear such badge, button, emblem, decoration, insignia, or charm, or to use and assume such name as a member thereof.

See c. 128, § 10.

**Sec. 10. Court may issue injunction restraining violation.** 1909, c. 6, § 3. Whenever there shall be an actual or threatened violation of the two preceding sections, the supreme judicial court shall have jurisdiction to issue an injunction, upon notice to the defendant of not less than five days, restraining such actual or threatened violation, and if it shall appear to the court that the defendant is in fact using the name of a benevolent, humane, fraternal or charitable corporation or organization, incorporated or organized as aforesaid, or a name so nearly resembling it as to be calculated to deceive the public, or is wearing or exhibiting the badge, insignia, or emblem of such corporation or organization without authority thereof, and in violation of the two preceding sections, an injunction may be issued, enjoining or restraining such actual or threatened violation, without requiring proof that any person has in fact been misled or deceived thereby.

**Sec. 11. Penalty.** 1909, c. 6, § 4. Whoever violates sections eight or nine of this chapter shall be punished by fine not exceeding fifty dollars, or by imprisonment for not exceeding thirty days, or by both such fine and imprisonment.

**Note.** Any corporation, board of trustees, unincorporated body or association, holding funds or property for any religious, moral, educational or benevolent purpose, may transfer said property to any other corporate body or trustees existing for similar purposes, c. 17, § 34.

County Law Libraries.

**Sec. 12. County law library association, how organized.** R. S. c. 57, § 7. In every county, where five or more attorneys reside, any five of them may procure themselves and the other attorneys resident in the county to be incorporated as aforesaid for the purpose of establishing a law library; and the notification required, if posted in some conspicuous part of the court-house seven days previous to their meeting, is sufficient; they may take the name of "The trustees of the law library in the county of ——;" and at such meeting, which shall be held at a term of the court therein, they may choose a clerk, librarian and treasurer, to be sworn, and hold their offices during the pleasure of the corporation; they may make all necessary and lawful regulations; and at their meetings, the oldest member present shall preside.

**Sec. 13. Duties of treasurer and clerk.** R. S. c. 57, § 8. The treasurer of each library association, under the direction of the trustees, shall apply all moneys received of the county treasurer, and all bequests and gifts, to form a law library under the appointed regulations; and the clerk shall keep an exact record of all their proceedings.

See c. 13, § 8.

**Sec. 14. Accounts of treasurer.** R. S. c. 57, § 9. The treasurer shall keep an exact account of all moneys, gifts and bequests, belonging to the corporation, and annually settle the same on oath, in the manner prescribed; and the treasurer, librarian and clerk, shall be answerable for all misfeasance in an action by the corporation. The treasurer shall, annually, before the second Wednesday in January, deposit in the office of the treasurer of state a statement of the funds received by the corporation during the year preceding.

Proprietors of Lands and Wharves.

**Sec. 15. Warrant for calling meetings, to whom directed.** R. S. c. 58, § 1. When any five, or a majority, of the proprietors of lands or wharves, held in common, desire a meeting of the proprietors for the purpose of forming a corporation, or for any other purpose, they may make written application signed by them or their agents, to any justice of the peace residing in the county in which the lands or wharves are situated; said justice shall thereupon issue his warrant calling a meeting at the time and place, and for the purposes distinctly stated in the application, directed to one of the proprietors, requiring him to give notice thereof.

12 Me. 313, 400; 18 Me. 215; 26 Me. 549.

**Sec. 16. Modes of giving notice.** R. S. c. 58, § 2. If the lands lie in one or more incorporated towns, a notice in writing shall be posted in some public place in each, and published in the state paper, and in one of the newspapers printed in the county where any part of them lies, fourteen days before the meeting; but if not, in the state paper, and in one other newspaper, if any, in the county where any part of them lies, four weeks successively next before the meeting; or the meeting may be warned by posting written notifications, in some public place in each town where any proprietor resides, fourteen days before the time appointed therefor.

**Sec. 17. Officers, and calling of future meetings.** R. S. c. 58, § 3. At such meeting, such proprietors as assemble in person or by attorney may organize into a corporation if not already so organized, choose a moderator, clerk, treasurer, assessors, collector of taxes, committees and other needful officers; and may by vote decide upon the manner of calling and notifying future meetings.

18 Me. 215; 26 Me. 549.

**Sec. 18. Officers to be sworn.** R. S. c. 58, § 4. The clerk, treasurer, assessors and collector, shall be sworn by the moderator or a justice of the peace, and the clerk shall record the votes passed at all meetings.

26 Me. 553; 53 Me. 233.

**Sec. 19. Business must be specified in the warrant; how votes are to be counted.** R. S. c. 58, § 5. No business shall be acted upon at any meeting, unless distinctly expressed in the warrant therefor; the proprietors' votes shall be counted according to the interest of each in the common lands, if known, and in that way the moderator shall make certain all doubtful votes; and they may pass by-laws as to the management, improvement, division and disposal of their lands or wharves, subject to the approval of the county commissioners of the county where the lands lie, and may annex penalties to the breach of them, not exceeding three dollars for one offense, to be disposed of as they direct.

**Sec. 20. Prosecution and defense of actions.** R. S. c. 58, § 6. The proprietors may prosecute and defend suits by their agent, and the certificate of the proprietors' clerk is evidence of such agency.

37 Me. 44.

**Sec. 21. Raising and assessment of moneys; publication.** R. S. c. 58, § 7. At any legal meeting, they may raise money for bringing forward, completing the settlement of, managing or improving said lands, or for their common good, and assess the same according to their interests in the lands; and the treasurer, collector or committee shall publish such assessment in the same manner as a meeting of the proprietors is notified.

**Sec. 22. Payment may be enforced by sale.** R. S. c. 58, § 8. If any proprietor neglects to pay his assessment to the treasurer, collector or committee, for six months, if he resides in the state, otherwise for twelve months, then the committee may, from time to time, sell at auction so much of his right in the common lands, as is sufficient to pay his tax and the reasonable charges of sale, after notice thereof, posted as aforesaid, and published in two of the newspapers before named five weeks successively next before the time of sale; and may give deeds thereof in fee to the purchaser.

4 Me. 248; 5 Me. 348; 7 Me. 408.

**Sec. 23. Right of redemption.** R. S. c. 58, § 9. The proprietor of the right so sold may redeem it within a year, by paying to the committee the sum for which it was sold, with twelve dollars for each hundred produced by such sale, and in that proportion for a greater or less sum.

**Sec. 24. Treasurer's powers and duties.** R. S. c. 58, § 10. The treasurer may sue for and collect all debts due to the proprietors, and shall render his account of all moneys received and paid; and he shall hold his office during their pleasure.

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**Sec. 25. Management of property; proxies.** R. S. c. 58, § 11. A majority of proprietors present at any legal meeting, may order, manage, improve, divide or dispose of their lands as they choose; and may vote in person, or by attorney appointed in writing.

48 Me. 526.

**Sec. 26. Proprietors' records, how preserved.** R. S. c. 58, § 12. After a final division of their common property, they shall cause their records to be deposited in the office of the clerk of the town in which some part of such lands lies; and he may record votes and certify copies of such records, as the proprietors' clerk might have done; and the last clerk chosen shall continue in office until the records are so deposited.

53 Me. 233.

**Sec. 27. Certain corporate powers continued for ten years after final division.** R. S. c. 58, § 13. Such a final division shall not dissolve the corporation until ten years thereafter; but the last proprietors in common and their heirs shall continue in their corporate capacity, for the collection and payment of all debts due to or owing by the corporation; and may call and hold meetings, and vote assessments to pay their debts and all other charges necessary for closing their business.

**Sec. 28. Money may be raised for highways.** R. S. c. 58, § 14. The owners of an unincorporated township or tract may call meetings to raise money, for making and repairing highways lawfully laid out, and to choose officers to assess and collect it.

See c. 24, § 50.

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## CHAPTER 63.

### Mills and Their Repairs.

**Sec. 1. Manner of calling a meeting of mill owners.** R. S. c. 59, § 1. When an owner of a mill, or of the dam necessary for working it, thinks it necessary to rebuild or repair it in whole or in part, he may apply in writing to a justice of the peace in the county where it is situated, or if partly in two counties, to a justice of the peace in either, to call a meeting of the owners, stating the object, time and place of the meeting, and such justice may issue his warrant for the purpose, directed to such owner, which shall be published in some newspaper printed in such county, if any, three weeks successively, the last publication to be not less than ten, nor more than thirty days before the meeting; or a true copy of the warrant may be delivered to each of said owners, or left at his last and usual place of abode; and either notice is binding on all the owners.

31 Me. 35; 57 Me. 103; 81 Me. 358.

**Sec. 2. Owners of half or more may repair or rebuild.** R. S. c. 59, § 2. At such meeting, whether all the owners attend or not, the owners in interest of at least one-half of such mill or dam may rebuild or repair so far as to make them serviceable; and shall be reimbursed out of said mill or its profits, what they advanced therefor beyond their proportions, with interest in the meantime.

11 Me. 172; 53 Me. 553.