

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1959 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 2

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**Place in Pocket of Corresponding  
Volume of Main Set**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1959

and other costs and expenses, including interest on preferred stock, not exceeding 8% per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding 8% per annum upon common stock. (1959, c. 74.)

**Sec. 62. Breach of contract; liquidated damages; costs.**—The marketing contract may fix, as liquidated damages, specific sums to be paid by the member to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of fishery products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state; and such clauses providing for liquidated damages shall be enforceable as such and shall not be regarded as penalties. (1959, c. 74.)

**Sec. 63. Enforcement of contract; injunction; specific performance.**—In the event of any such breach or threatened breach of such marketing contract by a member the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member. (1959, c. 74.)

**Sec. 64. Landlord or lessor; presumptions; remedies against.**—In any action upon such marketing agreements, it shall be conclusively presumed that a landlord or lessor is able to control the delivery of fishery products produced by his equipment by tenants, or others, whose tenancy or possession or work on such equipment or the terms of whose tenancy or possession or labor thereon were created or changed after execution by the landlord or lessor, of such a marketing agreement; and in such actions, the foregoing remedies for non-delivery or breach shall lie and be enforceable against such landlord or lessor. (1959, c. 74.)

**Sec. 65. Specific performance.**—A contract entered into by a member of an association, providing for the delivery to such association of products produced or acquired by the member, may be specifically enforced by the association to secure the delivery to it of such fishery products, any provisions of law to the contrary notwithstanding. (1959, c. 74.)

#### Title.

**Sec. 66. Short title.**—This chapter shall be known as the “Fish Marketing Act.” (1959, c. 74.)

### Chapter 57.

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

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

## Chapter 58.

### Burying Grounds. Public Cemeteries. Mausoleums and Vaults.

#### Burying Grounds.

**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