

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

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.**

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 tenantable 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 “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