

SPECIAL LAWS OF MAINE

Note: We are printing here a current summary of the Special Laws of Maine prepared from the statutes passed from time to time by the State Legislature. The year in which the act was passed, the year of any subsequent amendments and the number of the statute are recorded under each subject.

ORGANIZATION OF PARISHES

Private and Special Laws of 1869, Chapter 180 (as amended by P&SL 1897, cc. 374, 564; P&SL 1899, cc. 5; P&SL 1921, c. 22; P&SL 1941, c. 7; P&SL 1967, c. 90; P&SL 1969, c. 53; P&SL 1973, c. 32; P&SL 1977, c. 11; P&SL 1994, c. 70)

Section 1. Any five or more persons professing attachment to the Protestant Episcopal Church may execute and acknowledge before any Justice of the Peace an agreement in writing, whereby they shall agree to organize a parish to be maintained in accordance with the canons, doctrines, discipline and worship of the Protestant Episcopal Church.

Section 2. The agreement must also contain the name or title by which the parish is known which must be as follows: "The rector, wardens and vestry of **** Church in ****, but no parish may be organized in any town or city, bearing the same name with any other Protestant Episcopal Church already organized in that town or city; the town or city and county in which it is located; the number of members of the vestry not exceeding 11; and the time of the annual meeting, which must be at the time designated by the parish.

Section 3. When said agreement is duly signed and acknowledged it shall be recorded in the registry of deeds of the County in which the church is located.

Section 4. Any 2 or more persons who have signed the agreement, may call the first meeting of the parish, at such time and place as they may see fit, by publishing a notice for 5 days previously to the time fixed for that meeting, in some newspaper published in the town or city in which that church is located, and if no newspaper is published in that town or city, then the notice may be given by posting the notice in two public places in that city or town, and at such a meeting the affidavit of notice publishing or posting must be recorded in the minutes; at such a meeting, in addition to the signers of that agreement, any person of full age is entitled to vote, who shall sign a declaration, in writing to be kept in the book of minutes, whereby that person signifies the intention to be attached to the church and accepting the terms of the agreement. At such a meeting 2 wardens and the required number of members of the vestry may be elected, or at any adjournment of such a meeting.

Section 5. At all subsequent meetings, the right of voting is confined to the persons who became actually entitled to vote at the first meeting, and to such other persons who are at least 15 years of age as have, during the previous three months, been stated worshippers in the church and stated contributors to its support, and have signed the written declaration referred to in Section 4. Any such person, male or female, is entitled to be elected a member of vestries, or a delegate to diocesan or general convention. Any such person, male or female, is entitled to be elected warden, if that person is at least 20 years of age.

Section 6. The elected wardens and members of the vestry, 2/3 of the wardens and members of the vestry concurring in the choice, may choose some fit person, duly qualified, to act as minister or rector of the church agreeably to the constitution of the Protestant Episcopal Church in the United States of America; their choice must be submitted to the parish for approval and if approved by a majority of those present, at any duly called parish meeting, the person so elected is the rector or minister of the parish. Whenever a vacancy occurs in the office of minister or rector by death, removal or otherwise the wardens and members of the vestry may elect a successor in the mode provided.

Section 7. The annual meeting must take place at such time as the parish designates. The election of the requisite number of wardens and members of the vestry must be held at the annual meeting. The wardens and members of the vestry elected at the annual meeting serve until the next annual meeting and until their successors are chosen.

A parish may, by special vote, provide that the members of the vestry chosen at a specified time must be divided into classes holding office for one, 2 and 3 years respectively and that thereafter the term of a member of the vestry, except to fill vacancies, is for 3 years. A parish may also, by special vote, provide that a member of the vestry may not be reelected at the end of a full 3-year term of office until an interval of at least one year occurs.

Section 8. The rector, wardens and vestry constitute a body corporate and politic, with all the rights and liabilities pertaining thereto, except as otherwise provided in this Act. If at any time the parish is without a minister or rector, the same rights and privileges are vested in the wardens and vestry.

Section 9. The rector, wardens and members of the vestry, or a majority of them, may make rules, bylaws and ordinances and do everything needful and requisite for the good government and support of the parish. The rules, bylaws and ordinances may not be repugnant to the constitution and laws of this State or of the United States. A vacancy in the vestry may be filled by the members of the vestry at any meeting, and the person elected to fill such a vacancy serves for the remainder of the unexpired term.

Section 10. All the temporal affairs of the parishes are managed by the rector, wardens and vestries of those parishes, and they have authority to alter, erect, repair, enlarge, and in case they determine it necessary to take down or remove and rebuild any church or other building belonging to the corporation.

Section 11. It shall be lawful to such corporations to hold real estate to such an amount as shall be reasonably necessary for church, lecture or school rooms, for dwellings for the ministers thereof, for hospitals or charitable purposes, but it shall not be lawful for such corporations to hold or use any real estate for any other purposes.

Section 12. Any parish of the Protestant Episcopal Church, organized under any other general law may reorganize, so as to become subject to the provisions of this Act, whenever the parish at any duly called parish meeting authorizes the wardens and members of the vestry to execute and acknowledge an agreement as provided in this Act, which agreement must in addition to the requisites mentioned in section 1, set forth that it is executed for the purpose of reorganizing the parish according to the provisions of this Act. Such an agreement is deemed sufficient when so executed and acknowledged by a majority of such wardens and members of the vestry and recorded in the registry of deeds.

Section 13. Upon the execution, acknowledgment and recording of an agreement, the parish, without further action, is deemed to all intents and purposes reorganized, and all rights of property and of contract is remain unimpaired, and the corporate identity of the parish continue unchanged. The wardens and members of the vestry in office continue in those offices until the annual election next following the reorganization, and until a new board is chosen, and no other meeting or notice is necessary to complete the reorganization. When a new board is chosen, it must consist of the number of members of the vestry required by the articles of reorganization.

MAINE EPISCOPAL MISSIONARY SOCIETY

Private and Special Laws of 1835, Chapter 556 (amended by P&SL 1840, c. 31; P&SL 1875, c. 11; and P&SL 2003, c. 13).

The Maine Episcopal Missionary Society is a "body politic": incorporated under the laws of the State with all the usual power and privileges of corporations, to receive and dispense funds "to the sole

use and purpose of diffusing Christian Knowledge, in such manner as the said Corporation shall judge will best promote and answer the design of their incorporation". It is the corporate arm of the Diocese of Maine, through which the Diocese conducts its business transactions.

TRUSTEES OF DIOCESAN FUNDS

Private and Special Laws of 1849, Chapter 229 (as amended by P&SL 1864, c. 311; P&SL 1880, c. 214; P&SL 1895, c. 106; P&SL 1897, c. 452; P&SL 1917, c. 163; P&SL 1967, c. 31; P&SL 1994, c. 70)

The Trustees of Diocesan Funds are a body incorporated under the laws of the State "to take and hold real and personal estate contributed for parochial endowments or other church purposes," including the support or salary of the Episcopate. They "manage and dispose of the same in accordance with the terms of the several gifts, grants or endowments": and "keep an account with each endowment or gift comprising the fund, and shall report their actions in managing the fund and the condition of the fund, to the convention of the diocese annually."

BISHOP AS CORPORATION SOLE

Private and Special Laws of 1893, Chapter 534.

Section 1. The Bishop holding, under the Canons, laws and regulations governing the Protestant Episcopal Church in the United States of America, the office of Bishop, of said Church in the Diocese of Maine for any time being, and his successors in said office, are hereby declared to be a Corporation Sole.

Section 2. Said Corporation has power and is authorized to take, hold, manage and convey real and personal estate for any purpose connected with the uses, purposes, usages, rites, worships, discipline and government of the Protestant Episcopal Church in said United States or in said Diocese, or of any parish, mission or society in communion or connection therewith.

Section 3. In case of any alteration in the official designation of said Protestant Episcopal Church in the United States of America, whereby under any laws or regulations governing said Diocese, the official style of said Bishop shall also become changed, such change shall not affect the existence and succession of said corporation sole, but the same shall continue under the name and style conforming to such change.

Section 4. All deeds of real estate heretofore given to the Bishop of the Protestant Episcopal Church in the Diocese of Maine, and his successors in said office, are hereby declared to be valid instruments, and to vest the title to the estate therein described in the said Bishop and his successors as a Corporation Sole as aforesaid; and all the effect and force intended by the parties to any such deed shall be given thereto, according to the purport and provisions thereof.