

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 299

H. P. 561

House of Representatives, February 4, 1943.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. E. T. Jones of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**AN ACT to Establish a Board of Trustees of Public Cemeteries for the
City of Waterville.**

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

Sec. 1. Board created. The public cemeteries now or hereafter existing in the city of Waterville shall be in charge of and administered by a board of 3 trustees to be called the "Trustees of Public Cemeteries".

Such trustees shall be residents in Waterville and the office of each trustee shall be vacated by the removal of residence from said city. No person shall be a trustee unless owning a lot in a public cemetery in said city, or being a descendant of such lot owner.

Sec. 2. Appointment and terms. The mayor of the city of Waterville shall appoint the trustees of public cemeteries. Initially, 1 shall be appointed for a period of 2 years, 1 for 4 years, and the 3rd for 6 years and, following said terms, their successors shall each be appointed for 6 years or until their successors are appointed and qualified. When the office of a trustee is vacated for any reason or the term of his office has expired, the mayor shall appoint a successor for the unexpired term of such trustee. All said periods of office shall end on the 2nd Monday in March of the year in which the term expires.

Sec. 3. Authority over cemeteries. The trustees shall have full authority to purchase equipment and tools, to improve the grounds, to regulate the grading of lots, the planting and removal of trees, shrubbery, and other growths, and to employ and direct a superintendent and all necessary labor, fixing and paying their compensation.

The superintendent shall be employed at the pleasure of the trustees to attend to such duties as they may prescribe, and to him they may delegate authority over burials, interments, and disinterments according to law, and the duties of providing such records thereof as are required.

Sec. 4. Accounting duties. The trustees shall receive all moneys, make all purchases necessary for the upkeep of cemeteries, and pay all bills, keeping records of the transactions in a book kept for that purpose, which shall be open for inspection and audit by any authorized official.

An annual report shall be submitted to the mayor, and shall be printed in the annual report of the city.

Sec. 5. Organization. Following the effective date of this act and each 2 years thereafter promptly after the appointment of the successor trustee, the said trustees shall organize with the election from their membership of a chairman and a secretary-treasurer. Each trustee shall receive a salary of \$25 per year, and the secretary-treasurer shall receive an additional salary of \$125 for his services, and shall furnish a bond in the penal sum of \$5,000 to said city. The secretary-treasurer shall hold office until his successor is chosen and qualified.

Sec. 6. Sale of lots. Said board of trustees shall sell to any person or persons in behalf of and in the name of said city a burial lot in the public cemeteries within the city for such sum as the trustees may determine. The city clerk shall give a deed of said lot setting forth the rights and privileges of the purchaser in the premises and shall record the same in a book kept by him for the purpose upon the payment of the recording fee.

Sec. 7. Authority over funds. The trustees shall take over, hold, and administer all the cemetery assets and property and all funds, in trust or otherwise, for care of cemeteries or lots therein, from any and all committees, from city officers, or cemetery officials heretofore having the same.

Gifts, monies or other considerations tendered to the city or to said trustees for perpetual care of a lot or lots, shall be subject to acceptance by said trustees, and if accepted and paid shall be placed in a separate fund

known as a "Perpetual Care Fund" and with the income therefrom shall be used and expended in compliance with the conditions upon which received. The "Perpetual Care Fund" may be invested by the trustees with the consent and advice of the mayor and aldermen.

All monies received from the sale of lots, or for the care of same, without trust or condition, and from any other sources, shall be placed in a fund known as the "Cemetery Fund," which may be expended for the salaries of trustees, officers, superintendent, wages of employees, equipment, care and improvement of grounds and other authorized purposes.

Sec. 8. Repeal of prior authorities. All charter provisions, ordinances, and by-laws of the city of Waterville inconsistent with this act or within the scope hereof are hereby repealed from and after the date this act shall take effect.