

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 767

H. P. 552

House of Representatives, January 29, 1963

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Mendes of Topsham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Incorporate the Phippsburg Cemetery District.

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

Sec. 1. Incorporated; name; purposes. Subject to the provisions of this act, the inhabitants and the territory within the Town of Phippsburg are hereby created a body politic and corporate under the name of "Phippsburg Cemetery District" for the following purposes, to wit:

To provide perpetual care for lots in cemeteries, and perpetual care for cemeteries within said district; to enter into a contract or contracts with the owner or owners or other parties interested in any cemetery or in any lot in any cemetery in said district, for the perpetual care of said lot or lots or said cemetery; to purchase real estate for cemetery purposes; to operate cemetery or cemeteries; to sell lots therein; to hold real estate and personal property of every name and nature for carrying out the purposes herein enumerated; to accept bequests, trusts or gifts, of every name and nature, for the purpose of carrying out said purposes herein enumerated; and in the acceptance of any bequest, trust or gift, said district shall not be required to give bond; the funds received by said district under this act from any source whatever may be invested by the trustees of said district in real estate to be used for cemetery purposes, and personal property incidental to providing perpetual care for said cemeteries or for providing perpetual care for lots in said cemeteries, and may also be invested by the trustees of said district in stocks, bonds and other securities that are legal for investment for savings banks in Maine, and deposited in the savings department at interest in any Maine bank or trust company.

Sec. 2. May enter into contract. Any bank, trust company, town, corporation, individual or individuals, holding funds in any capacity received under a

will or otherwise for the care or perpetual care of any lot or lots in any cemetery situated within said district are hereby empowered and authorized to enter into contract with said district for the care or perpetual care of said lot or lots, and to transfer to said district the funds now held by them in their possession or under their control for such purposes at the time of entering into said contract, and upon entering into said contract, as aforesaid, and upon the transfer of said funds to the said district, said bank, trust company, town, corporation, individual or individuals shall be relieved from any duty, legal or otherwise, by reason of having accepted such funds as trust funds under a will or otherwise.

The Phippsburg Cemetery District may receive from the Town of Phippsburg, and the Town of Phippsburg may convey to the district, any property, real or personal, of the Town of Phippsburg held for cemetery purposes.

Before conveying any property, funds or assets, the municipal officers of the Town of Phippsburg must be authorized to do so by the voters at any annual or special town meeting.

Sec. 3. Officers; audit. All of the affairs of said district shall be managed by a board of trustees composed of 5 members. As soon as may be after the acceptance of this act as hereinafter provided, the selectmen of the Town of Phippsburg shall appoint 5 trustees of said district to hold office as follows: One until the first annual meeting of the Town of Phippsburg after said appointment, one until the 2nd annual meeting of the Town of Phippsburg after said appointment, one until the 3rd annual meeting of the Town of Phippsburg after said appointment, one until the 4th annual meeting of the Town of Phippsburg after said appointment, and one until the 5th annual meeting of the Town of Phippsburg after said appointment. At each annual town meeting of the Town of Phippsburg, beginning with the first annual meeting after the appointment of trustees by the selectmen, one trustee shall be elected to serve until the annual meeting occurring 5 years thereafter and until another trustee is elected and qualified in his stead. Whenever a vacancy shall, for any reason, occur in the board of trustees, the same shall be filled for the balance of the unexpired term by a trustee to be appointed by the municipal officers of the Town of Phippsburg. A majority of said trustees chosen shall have full power to act notwithstanding any vacancy in said board of trustees however caused. When a trustee ceases to be a resident of the district, his office becomes vacant. The trustees, as soon as convenient after they have been chosen as provided in this act, shall meet upon call of one of their number after such reasonable notice as he shall deem proper. They shall then elect from their membership a president, clerk and treasurer; adopt a corporate seal; and do all other acts, matters and things necessary to perfect their organization. Thus organized, the trustees shall have the right and authority to employ such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district, and may establish or adopt a code of bylaws, not inconsistent with law, and all necessary rules and regulations for the proper conduct of the affairs of said district.

The trustees shall serve without compensation, but shall be reimbursed for disbursements and expenses. The treasurer shall give a surety bond to the district in such sum and with such surety company as surety as the trustees may determine; which bond shall be deposited with the president.

The treasurer's bond premium and all expenses of the district shall be paid from the funds of the district. At the close of the fiscal year, which shall end on December 31st of each year, the trustees shall make a detailed report of their doings, of the financial condition of said district, and also such other matters and things pertaining to said district as shall show the inhabitants thereof how the said trustees are fulfilling the duties and obligations of their trust; and report to be made and filed with the municipal officers of the Town of Phippsburg, the same to be printed in the annual town report of said town. The accounts and affairs of said district shall be audited annually by the auditors for the Town of Phippsburg.

Sec. 4. Referendum. This act shall take effect 90 days after the adjournment of this Legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the Town of Phippsburg at any annual or special town meeting legally called and held not later than 2 years after the effective date of this act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Phippsburg Cemetery District, passed by the 101st Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect immediately upon its acceptance by a majority of the voters voting at said meeting, but only if the total number of votes cast for and against the acceptance of this act is at least 20% of the total vote for all candidates for Governor in the Town of Phippsburg at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Town of Phippsburg and a certificate thereof shall be filed by the town clerk with the Secretary of State.