

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

SENATE.

No. 128

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND NINETY-NINE.

AN ACT to incorporate Mount Pleasant Cemetery Corporation of
South Portland.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. Frederick H. Harford, William T. Studley, Free-
2 man Willard, George F. Henley, Charles S. Talbot, Gideon
3 Burbank, J. W. Lowell, Albert A. Cole, Willard A. Woodbury
4 and Niles Nelson, their associates, successors and assigns are
5 hereby created a body corporate to be established and have
6 their place of business in South Portland, in the county of
7 Cumberland, under the name of the Mount Pleasant Cemetery
8 Corporation; and the said corporation is hereby authorized to
9 locate, enlarge, construct, maintain and perpetuate a public

10 cemetery within the town of South Portland and for the pur-
11 poses of said corporation may purchase, accept by gift, or take
12 and hold as for public use, such land as may be necessary for
13 the present or future requirements of said corporation; also to
14 acquire by any lawful means any personal property necessary
15 to carry out the purposes of said corporation, and to lease, or
16 sell any portion of the same at pleasure and to do and perform
17 any act necessary, or convenient for the purpose of carrying
18 out the present wants or future needs of said corporation; but
19 not to locate, or enlarge any existing cemetery, or burying
20 ground by selling, or otherwise disposing of lots for burial
21 purposes, so that the limits thereof shall be extended nearer
22 any dwelling house than three rods, against the written protest
23 of the owner.

Sect. 2. Whenever said corporation desires to take land of
2 any person for such cemetery, or to enlarge any existing ceme-
3 tery either by taking land adjacent or across any street or way,
4 it shall first cause the same to be surveyed and a plan of such
5 land to be taken, made and signed by the president and treas-
6 urer of said corporation, with the date of such survey. The
7 original shall be filed in the office of the register of deeds
8 for the county of Cumberland and a copy of the same,
9 attested by such register, given in hand forthwith to the
10 owner of the land described, and when said plan is so filed
11 it shall be deemed and treated as taken by said corporation, if
12 the owner thereof, within a reasonable time, consents thereto.
13 If the owner of said land does not so consent thereto, or the
14 parties do not agree as to the necessity therefor, or the area
15 necessary to be taken, the corporation may make written appli-
16 cation to the county commissioners, describing the land and
17 naming the persons interested; the commissioners shall appoint
18 a time for the hearing near the premises, and require notice to be
19 given to the persons interested, as they may direct, fourteen

20 days at least before said time ; and shall then view the premi-
21 ses, hear the parties and determine how much, if any, of such
22 land is necessary for the reasonable and present future use of
23 said corporation. If they find that any or all of the land so
24 described is necessary, they shall furnish the corporation with a
25 certificate containing a definite description thereof ; and when it
26 is filed with the register of deeds in the county where the land
27 lies the decision shall be final, and the land shall be deemed and
28 treated as taken, and in the event the owner of the land taken
29 and the corporation are unable to agree upon the damages sus-
30 tained by reason of such taking, the same shall be ascertained
31 and paid in the manner provided by law for the taking of land
32 for highways.

Sect. 3. This corporation is hereby authorized, after it shall
2 have obtained the necessary land, to grade and lay the same
3 into lots, locate and build streets, plant shade trees, construct
4 fountains, erect and maintain receiving tomb, purchase a
5 hearse, and do any and all additional things that may, from
6 time to time, be required to establish and maintain a modern
7 public cemetery.

Sect. 4. Said corporation may provide in its by-laws for per-
2 petual care of lots upon payment of a sum to be regulated by
3 its officers. Said fund thus accumulated shall remain intact,
4 only the interest thereof being available for beautifying the
5 cemetery. Said corporation is hereby empowered to issue,
6 from time to time, when necessary to purchase land or make
7 improvements in said cemetery, bonds of said corporation, the
8 total of which shall not exceed five thousand dollars, and the
9 holders thereof are to have a lien upon the revenue from the
11 sale of lots in said cemetery until fully paid.

Sect. 5. For the purposes of the corporation it is hereby
2 authorized to hold real and personal property, to raise money
3 by the sale of its lots, and by loan upon its bonds hereinbefore

4 set forth and to receive and hold bequests from persons and
5 corporations for the purpose of protecting, caring for and beau-
6 tifying said cemetery or lots therein.

Sect. 6. The corporation shall set apart a suitable lot or lots
2 for the free use of the town for the burial of such persons as
3 have been a town charge, or who are buried at the expense of
4 the town.

Sect. 7. The corporation may have a public seal to be used
2 in its conveyances and is authorized to elect all proper officers
3 and to adopt a code of by-laws, not in conflict with law and
4 shall be subject to all general laws relating to public cemeteries
5 not otherwise changed by this act.

Sect. 8. All persons who are now members of the Mount
2 Pleasant Cemetery Corporation at South Portland, organized
3 under the general law may become members of this corporation
4 by signing the books of the secretary.

Sect. 9. Either of said corporators is hereby authorized to
2 call the first meeting of this corporation, by posting notices
3 thereof in three places in the vicinity, seven days at least before
4 said meeting.

Sect. 10. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 15, 1899.

Reported by Mr. REYNOLDS from Committee on Legal Affairs,
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*