

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 148

House of Representatives, Feb. 5, 1913.

*Tabled pending reference to a committee by Mr. Smith of
Auburn and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT to Create the Auburn Cemetery District.

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

Section 1. All the territory now contained within the
2 limits of the city of Auburn shall constitute a body politic
3 and corporate under the name of the Auburn Cemetery Dis-
4 trict, for the purpose of owning and maintaining one or
5 more public cemeteries in said district.

Sect. 2. Said corporation is hereby authorized, for the
2 purpose aforesaid, to take and hold by purchase, gift or de-
3 vise any lands or real estate or personal property, including
4 the property of any cemetery corporation or association in

5 said district; and to receive and hold funds or property in
6 trust for the perpetual care of lots, among other things.

Sect. 3. Said cemetery district is hereby authorized and
2 empowered to acquire by purchase or by the exercise of the
3 right of eminent domain, which right is hereby expressly
4 delegated to said cemetery district for said purpose, the en-
5 tire property, rights, privileges and franchises of the Mount
6 Auburn Cemetery Association, or any other cemetery asso-
7 ciation or corporation within said district, including all the
8 equipment of said association or corporation.

Sect. 4. Said district shall be liable for all damages that
2 shall be sustained by any person or corporation in their
3 property by the taking of any land whatsoever; and if any
4 person sustaining damage as aforesaid and said corporation
5 shall not mutually agree upon the sum to be paid therefor,
6 such person may cause his damages to be ascertained in the
7 same manner and under the same conditions, restrictions
8 and limitations as are or may be prescribed in the case of
9 damages by the laying out of highways.

Sect. 5. All the affairs of said cemetery district shall be
2 managed by a board of trustees composed of three mem-
3 bers, to be chosen by ballot by the legal voters within said
4 cemetery district, the first election to be at the next ensu-
5 ing municipal election held for the city of Auburn after
6 the acceptance of this act as hereinafter provided. At the
7 first election aforesaid, one trustee shall be elected for three
8 years, one for two years, and one for one year, and there-

9 after whenever the term of office of a trustee shall expire,
10 the legal voters of said cemetery district shall elect a suc-
11 cessor to serve for the full term of three years, and if any
12 other vacancy occur it may be filled in like manner for the
13 unexpired term. The annual election of officers shall be
14 held at the same time and place and in the same manner as
15 the regular municipal election of the city of Auburn now is,
16 or hereafter may be held. As soon as convenient after the
17 board of trustees has been chosen, the said trustees shall
18 meet and organize by the election of a chairman and clerk,
19 adopt a common seal, and when necessary, may choose a
20 treasurer and other needful officers and agents for the
21 proper management of the affairs of said cemetery district.
22 Said trustees may procure an office and incur all necessary
23 expenses. Each member shall receive in full compensation
24 for his services an allowance of fifty dollars per year.

The said board of trustees, at any legal meeting called for
26 the purpose, may adopt reasonable by-laws and provisions,
27 not inconsistent with the laws and Constitution of this State
28 and of the United States, as they deem expedient and nec-
29 essary for the government and regulation of the municipal
30 affairs of said cemetery district so far as relates to the care,
31 management and privileges of any cemetery or cemeteries
32 owned by said district.

Sect. 6. All contracts and trusts now existing between
2 any persons or corporations and the Mount Auburn Ceme-
3 tery Association or any other association or corporation

4 whose property shall have been purchased or taken under
5 the provisions of sections two or three of this act by said
6 cemetery district shall be assumed and carried out by said
7 district.

Sect. 7. For accomplishing the purposes of this act said
2 cemetery district through its trustees, is authorized to issue
3 bonds to an amount sufficient to procure funds to pay the
4 expenses incurred in the acquisition of the property of said
5 Mount Auburn Cemetery Association or any other such as-
6 sociation or corporation within said district and the pur-
7 chase thereof, and to improve such property, and to take or
8 purchase additional land for the enlargement and exten-
9 sion of the territory devoted to cemetery purposes which
10 shall have been acquired by said district as provided in this
11 act. Said bonds shall be a legal obligation of said cemetery
12 district, which is hereby declared to be a quasi municipal
13 corporation within the meaning of section ninety-six, chap-
14 ter forty-seven, of the Revised Statutes, and all the provi-
15 sions of said section shall be applicable thereto. The said
16 bonds shall be legal investments for savings banks.

Sect. 8. This act shall take effect upon its acceptance by
2 a majority of the voters qualified to vote in the city of Au-
3 burn, at a special election called for the purpose by the city
4 council of said Auburn. The ballots for said election shall
5 have printed on them, "Shall an act of the Legisla-
6 ture in the year 1913, entitled 'An Act to create the Auburn
7 Cemetery District,' be accepted," with an opportunity on

8 said ballots for the voter to indicate his choice by a cross
9 in a square opposite the word "Yes" or "No." For the pur-
10 pose of its submission to the voters of said Auburn, this act
11 shall take effect from and after its approval by the Gov-
12 ernor, subject to the provisions of amendment ten of the
13 State Constitution.