

MAINE STATE LEGISLATURE

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

Legislative Document

No. 493

H. P. 1176

House of Representatives, February 7, 1939.

Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Race of Boothbay.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT to Incorporate the Boothbay-Boothbay Harbor Cemetery District.

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

Sec. 1. Perpetual care for cemeteries. The towns of Boothbay and Boothbay Harbor, both in the county of Lincoln, and the people within the territory in the said towns, are hereby created a body politic and corporate under the name of "Boothbay-Boothbay Harbor 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 in-

cidental 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 of perpetual care of any lot or lots in any cemetery, situated within said district, be and they 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.

Sec. 3. Officers; audit. All of the affairs of said district shall be managed by a board of trustees composed of 6 members, all of whom shall be chosen at town meetings, held in accordance with the provisions of section 4 of this act, as follows: 3 shall be chosen by the town of Boothbay, and 3 by the town of Boothbay Harbor. If chosen in the first instance at a town meeting specially called in accordance with the provisions of section 4 of this act, said trustees so elected shall serve until the next annual meeting thereafter, when, or, if chosen at an annual town meeting in accordance with the provisions of section 4 of this act, each town shall elect 3 trustees as follows: one for one year, one for 2 years, and one for 3 three years, and at each annual meeting thereafter shall elect one trustee for 3 years. 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 at the next annual meeting of said town in whose membership such vacancy exists. In the event that said towns or either of them shall fail to elect a trustee upon the end of any of said 3 year terms, said trustee, or trustees, whose term might otherwise expire, shall continue to serve as such trustee until his successor shall have been duly elected and qualified. A majority of said trustees chosen shall have full power to act notwithstanding the failure or neglect of any town or towns to choose its members or notwithstanding any vacancy in said board of trustees however otherwise

caused. Removal from the town of Boothbay or from the town of Boothbay Harbor by any trustee residing in either of the respective towns shall ipso facto vacate his office. 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 by-laws, 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; except the treasurer may receive for his services an amount to be fixed by the board of trustees. 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 salary, 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; said reports to be made, attested to, and filed with the municipal officers of each of the said towns of Boothbay and Boothbay Harbor, the same to be printed in the annual town report of said towns. The accounts and affairs of said district shall be audited annually by the auditors for the towns of Boothbay and Boothbay Harbor.

Sec. 4. Effective date. This act shall take effect when accepted and approved by a majority vote of the legally listed voters of the territory embraced within the limits of said district voting at an annual town meeting of the towns of Boothbay and Boothbay Harbor, or at town meetings to be specially called and held for the purpose in the towns of Boothbay and Boothbay Harbor and for the purpose of electing trustees as provided for in section 3 of this act, 90 days after the adjournment of the legislature and not later than 2 years after the approval of this act. An article in the warrant for the said town meetings in each of said towns shall read as follows: "To vote upon the following question 'Shall the act to

incorporate the Boothbay-Boothbay Harbor Cemetery District be Accepted?" The vote may be taken by hand or by ballot in any manner that may be agreeable to said respective towns. The result of the vote taken under said article shall be declared in open town meeting in each of said towns, and the town clerk in each of said towns shall file with the secretary of state a certificate showing the number of affirmative and negative votes in their respective towns.