

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1554

H. P. 2085

House of Representatives, April 21, 1949.

Received by unanimous consent referred to Committee on Legal Affairs,
ordered printed and sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Stevens, Jr., of Boothbay.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Incorporate the Southport Cemetery District.

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

Sec. 1. Perpetual care for cemeteries. The territory within the town of Southport, in the county of Lincoln, and the people within the territory in the said town, are hereby created a body politic and corporate under the name of "Southport 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, 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 3 members, all of whom shall be chosen at a town meeting, held in accordance with the provisions of section 4. If chosen in the first instance at a town meeting specially called in accordance with the provisions of section 4, 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, the town shall elect 3 trustees, as follows: 1 for 1 year, 1 for 2 years and 1 for 3 years, and at each annual meeting thereafter shall elect 1 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 the event that said town 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 the town to choose its members or notwithstanding any vacancy in said board of trustees however otherwise caused. Removal from the town of Southport by any trustee residing in said town 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 said town of Southport, 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 Southport.

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 Southport, at any annual or special town meeting legally called and held not later than 2 years after the approval of this act, an appropriate article being inserted in the call for such meeting.

If a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act, it shall become operative. The town clerk shall forthwith file with the secretary of state a certificate of the action of the town thereon.