

MAINE STATE LEGISLATURE

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NINETY-SEVENTH LEGISLATURE

Legislative Document

No. 402

H. P. 365

House of Representatives, February 2, 1955

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Greenleaf of Boothbay Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

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 owner 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.

Sec. 3. Trustees; by-laws; expenses; 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 an annual or special town meeting. If chosen in the first instance at a special town meeting, said trustees shall serve until the next annual town meeting thereafter. If chosen in the first instance at an annual town meeting, the town shall elect 6 trustees as follows: 2 for 1 year; 2 for 2 years and 2 for 3 years, and at each annual town meeting thereafter 2 trustees shall be elected for terms of 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 town meeting. In the event the said town shall fail to elect a trustee at 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 any vacancy in said board of trustees however caused. Removal from the town of Southport 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 that 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 shall be made, attested to and filed with the municipal officers of the said town and the same shall 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.

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to 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 effective date of this act, an appropriate article being inserted in the call for said meeting. 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 Southport Cemetery District, passed by the 97th Legislature, be accepted?" and the voters shall indicate in the usual manner their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the qualified voters voting at said meeting. The result of the vote shall be declared by the municipal officers of the town and due certificate thereof shall be filed by the town clerk with the Secretary of State.