

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

CHAP. 197 twenty-two, and sections one and four of chapter one hundred and twenty-three, are of a high and aggravated nature, the judge of said court may cause persons charged with such offenses to recognize with sufficient sureties to appear before the supreme judicial court, and in default thereof commit them; third, of all other crimes, offenses and misdemeanors committed in said county, which are by law punishable by fine not exceeding fifty dollars, and by imprisonment not exceeding three months, and are not within the exclusive jurisdiction of some other municipal or police court.'

Approved March 17, 1899.

Chapter 197.

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:

Corporators. Section 1. Frederick H. Harford, William T. Studley, Freeman Willard, George F. Henley, Charles S. Talbot, Gideon Burbank, J. W. Lowell, Albert A. Cole, Willard A. Woodbury and Niles Nelson, their associates, successors and assigns are hereby

—location. created a body corporate to be established and have their place of business in South Portland, in the county of Cumberland, under the name of the Mount Pleasant Cemetery Corporation; and the said corporation is hereby authorized to locate, enlarge, construct, maintain and perpetuate a public cemetery within the town of South Portland, and for the purposes of said corporation may purchase, accept by gift, or take and hold as for public use, such land as may be necessary for the present or future requirements of said corporation; also to acquire by any lawful means any personal property necessary to carry out the purposes of said corporation, and to lease, or sell any portion of the same at pleasure and to do and perform any act necessary, or convenient for the purpose of carrying out the present wants or future needs of said corporation; but not to locate, or enlarge any existing cemetery or burying ground by selling or otherwise disposing of lots for burial purposes, so that the limits thereof shall be extended nearer any dwelling house than three rods, against the written protest of the owner.

—corporate name.

—may maintain a cemetery.

—powers.

How land may be taken. Section 2. Whenever said corporation desires to take land of any person for such cemetery, or to enlarge any existing cemetery either by taking land adjacent or across any street or way, it shall first cause the same to be surveyed and a plan of such

land to be taken, made and signed by the president and treasurer of said corporation, with the date of such survey. The original shall be filed in the office of the register of deeds for the county of Cumberland and a copy of the same, attested by such register, given in hand forthwith to the owner of the land described, and when said plan is so filed it shall be deemed and treated as taken by said corporation, if the owner thereof, within a reasonable time, consents thereto. If the owner of said land does not so consent thereto, or the parties do not agree as to the necessity therefor, or the area necessary to be taken, the corporation may make written application to the county commissioners, describing the land and naming the persons interested; the commissioners shall appoint a time for the hearing near the premises, and require notice to be given to the persons interested, as they may direct, fourteen days at least before said time; and shall then view the premises, hear the parties and determine how much, if any, of such land is necessary for the reasonable present and future use of said corporation. If they find that any or all of the land so described is necessary, they shall furnish the corporation with a certificate containing a definite description thereof; and when it is filed with the register of deeds in the county where the land lies their decision shall be final, and the land shall be deemed and treated as taken, and in the event the owner of the land taken and the corporation are unable to agree upon the damages sustained by reason of such taking, the same shall be ascertained and paid in the manner provided by law for the taking of land for highways.

—damages,
how ascer-
tained.

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

Authorized
to locate
lots, build
streets,
plant
trees, etc.

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

May provide
for perpetual
care of lots.

—may issue
bonds.

—lien on
revenue, for
payment of
bonds.

CHAP. 198

May hold
real and
personal
property.

Section 5. For the purposes of the corporation it is hereby authorized to hold real and personal property, to raise money by the sale of its lots, and by loan upon its bonds hereinbefore set forth and to receive and hold bequests from persons and corporations for the purpose of protecting, caring for and beautifying said cemetery or lots therein.

Shall provide
for burial
of such
persons as
have been
town
charges.

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

Seal.

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

—by-laws.

Membership.

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

First meet-
ing, how
called.

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

Section 10. This act shall take effect when approved.

Approved March 17, 1899.

Chapter 198.

An Act to prevent the taking of smelts by drag seines in the waters of the Buck's Harbor, Orcutt's Harbor and Lawrence Bay in the town of Brooksville.

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

Taking of
smelts in
Brooksville,
prohibited.

Section 1. All persons are hereby prohibited from taking any smelts by drag seines in the waters of Buck's harbor, Orcutt's harbor, and Lawrence bay in the town of Brooksville.

Penalty for
violation.

Section 2. Whoever shall violate the provisions of this act shall on conviction of the same, be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for a term of not more than sixty days, and in addition to the said punishment all boats, seines, and all other articles used in the taking of said fish and the fish so taken shall be forfeited and disposed of as provided in section forty-seven of chapter two hundred and eighty-five of the public laws of eighteen hundred and ninety-seven.

Approved March 17, 1899.