

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 574**

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S. P. 173

In Senate, February 4, 1969

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Gordon of Cumberland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### AN ACT Relating to Assessments on Interment Space of Cemeteries.

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

**R. S., T. 13, § 1033-A, additional.** Title 13 of the Revised Statutes is amended by adding a new section 1033-A, to read as follows:

**§ 1033-A. Assessment on interment space**

The directors of any cemetery in this State are empowered to assess, levy and collect such assessments on the interment space of any cemetery in this State for the purpose of improving, maintaining and protecting said cemetery and enlarging its boundaries, beautifying its grounds or improving its convenience, as it may be desirable in their judgment. Such assessments may be collected by civil action, or at the option of the directors of the cemetery, if such assessments are not paid for a period of 10 years it will constitute a presumption of abandonment of any unoccupied interment space. Such assessment shall not exceed the sum of \$2 per interment space per year. This section shall not apply to any interment space for which perpetual or endowed care has been provided.

The ownership or right in or to all unoccupied interment space shall upon abandonment revert to the person or corporation having ownership and charge of the cemetery containing such interment space.

The continued failure to maintain and care for any unoccupied interment space for a period of 10 years, or the failure to pay assessments as provided, shall create and establish the presumption that the same has been abandoned.

Abandonment shall not be deemed complete unless after such 10-year period there shall have been given by the reversionary owner to the recorded owner,

or if he be deceased or his whereabouts unknown, to the heirs of deceased, written notice declaring the interment space to be abandoned.

The notice may be served personally on the owner or his heirs or may be served by the mailing of the notice by registered mail to the owner, or his heirs as the case may be, to their last known address. In the event that the address of the owner or his heirs cannot be ascertained, then notice of such abandonment shall be by one publication in a public newspaper of the county in which the cemetery is located.

If within one year from the time of giving such notice the recorded owner or his heirs shall pay the past due care charges against the interment space, then the presumption of abandonment shall no longer exist.

In case the abandonment has been complete as provided, the reversionary owner of the abandoned interment space may sell the same and convey the title thereto.

Any net funds realized from the sale of such interment space shall be paid as follows: The required statutory payment to the perpetual care fund; to pay all assessments levied against said interment space; the balance to be paid to a perpetual care fund for the perpetual care and maintenance of such interment space so sold.