

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 885

H. P. 654

House of Representatives, February 16, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Wight of Presque Isle.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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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 occupied or unoccupied interment space of the cemetery in this State under their control for the purpose of improving, maintaining and protecting said cemetery and enlarging its boundaries, beautifying its grounds or improving its conditions, as it may be desirable in their judgment.

Such assessment on an occupied or unoccupied interment space shall not exceed the sum of \$3 per year. Such assessments may be collected by civil action.

The failure to maintain and care for any unoccupied interment space for a period of 6 consecutive years, or the failure to pay the assessments for a period of 6 consecutive years shall create the presumption that the unoccupied space has been abandoned.

Such abandonment shall not be deemed complete unless after such 6-year period there shall have been given by the person or corporation having ownership and charge of the cemetery containing such unoccupied interment space to the recorded owner, or if he be deceased or his whereabouts un-

known, 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.

The ownership or right in or to all unoccupied interment space shall, upon abandonment, revert to the person, association or corporation having ownership and charge of the cemetery containing such interment space, who may then sell the same and convey the rights therein.

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

This section shall not apply to any interment space for which perpetual or endowed care has been provided.

#### STATEMENT OF FACT

The purpose of this bill is to provide protection for cemetery associations from uncollectible association accounts.