

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 50
6

7 H.P. 45

House of Representatives, January 5, 1983

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Cox of Brewer.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to the Forfeiture of
18 Unoccupied Interment Spaces.
19

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

22 13 MRSA c. 83, sub-c. V is enacted to read:

23 SUBCHAPTER V
24 FORFEITURE OF UNOCCUPIED INTERMENT SPACES

25 §1381. Forfeiture of unoccupied interment spaces

26 If a cemetery lot has not been used for interment
27 purposes for 50 consecutive years and if the recorded
28 owner of the lot has failed to provide for its care
29 and maintenance for 50 consecutive years, then the
30 unoccupied interment space within that lot shall be
31 forfeited to the person, association, corporation or

1 municipality which owns, maintains and operates the
2 cemetery in which the lot is located.

3 §1382. Notice of forfeiture

4 Forfeiture of unoccupied interment space shall
5 not be deemed complete after the 50-year period until
6 the person, association, corporation or municipality
7 which owns, maintains and operates the cemetery con-
8 taining the cemetery lot gives notice to the recorded
9 owner of the lot declaring the unoccupied interment
10 space to be forfeited. If the recorded owner is
11 deceased or his whereabouts unknown, this notice
12 shall be given to his heirs.

13 §1383. Form of notice

14 1. Content of notice. The notice of forfeiture
15 shall state that the cemetery lot containing the
16 unoccupied interment space has not been used for
17 interment purposes for 50 consecutive years and that
18 the recorded owner has failed to provide for the care
19 and maintenance of the lot for 50 consecutive years.

20 2. Redemption process. The notice of forfeiture
21 shall also state that forfeiture of such unoccupied
22 interment space shall be complete one year from the
23 date the notice is served unless the recorded owner
24 or his heirs:

25 A. Delivers to the person, association, corpora-
26 tion or municipality having ownership or manage-
27 ment of the cemetery written notice claiming own-
28 ership of or right to sepulture in the unoccupied
29 interment space; and

30 B. Pays for the permanent care and maintenance of
31 the cemetery lot containing the unoccupied inter-
32 ment space.

33 §1384. Service of notice

34 The notice of forfeiture shall be sent by regis-
35 tered mail to the recorded owner at his last known
36 address. If the recorded owner is deceased or his
37 whereabouts are unknown, the notice shall be sent by
38 registered mail to his heirs at their last known ad-

1 dress. If the address of the recorded owner or his
2 heirs cannot be ascertained, then notice of forfei-
3 ture shall be given by one publication in a newspaper
4 of general circulation in the county in which the
5 cemetery is located.

6 §1385. Resale of forfeited unoccupied interment space

7 Once the unoccupied interment space has been forfeit-
8 ed according to the provisions of this subchap-
9 ter, the person, association, corporation or municipi-
10 ality having ownership or management of the cemetery
11 may resell that space. The proceeds from the sale of
12 unoccupied interment space shall be applied solely to
13 a cemetery fund for the permanent care and mainte-
14 nance of that cemetery lot from which the unoccupied
15 interment space was sold.

16 §1386. Applicability of statute

17 Sections 1381 to 1385 shall not apply to any cem-
18 etry lot containing interment space for which perma-
19 nent care and maintenance has been provided.

20 STATEMENT OF FACT

21 Many cemeteries throught the State contain
22 cemetery lots which have not been used for interment
23 purposes for 50 consecutive years or more. During
24 that period of time, the recorded owners or their
25 heirs have failed to provide for the care and mainte-
26 nance of these lots. As a result, either these lots
27 have not been cared for or the cemetery has main-
28 tained them without reimbursement for its services.
29 These lots have presumably been abandoned and
30 repeated attempts to contact lot owners to arrange
31 for care and maintenance have generally been unsuc-
32 cessful.

33 This bill allows cemeteries to recover the future
34 costs of care and maintenance of these lots by per-
35 mitting the cemeteries to resell any unoccupied
36 interment space within these lots. Proper notice
37 must be given to the recorded owner or his heirs
38 before the forfeiture of unoccupied interment space
39 is complete. The proceeds from the resale of such

1 unoccupied interment spaces will be placed in the
2 permanent care and improvement fund of the cemetery
3 and used solely for maintenance of the lots contain-
4 ing these unoccupied interment spaces.

5 This bill affects only those unoccupied interment
6 spaces within lots for which permanent care and
7 maintenance has not been provided.

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