

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document

No. 38

6
7 S.P. 43

In Senate, January 22, 1987

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

10 JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator DUTREMBLE of York.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SEVEN
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 §1380. 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 lots has failed to provide for the care
29 and maintenance of the lot for 50 consecutive years,
30 then the unoccupied interment space or spaces within

1 the lot shall be forfeited to the person, associa-
2 tion, corporation or municipality which owns, main-
3 tains and operates the cemetery containing the ceme-
4 tery lot.

5 §1381. Notice of forfeiture

6 Forfeiture of unoccupied interment space or
7 spaces shall not be deemed complete unless, after the
8 50-year period, the person, association, corporation
9 or municipality which owns, maintains and operates
10 the cemetery containing the cemetery lot gives notice
11 to the recorded owner of the lot declaring the unoc-
12 cupied interment space or spaces within the lot to be
13 forfeited. If the recorded owner is deceased or his
14 whereabouts unknown, this notice shall be given to
15 the heirs of the deceased.

16 §1382. Form of notice

17 1. The notice of forfeiture shall state that the
18 cemetery lot containing the unoccupied interment
19 space or spaces has not been used for interment pur-
20 poses for 50 consecutive years and that the recorded
21 owner has failed to provide for the care and mainte-
22 nance of the lot for 50 consecutive years.

23 2. The notice of forfeiture shall also state
24 that forfeiture of the unoccupied interment space or
25 spaces shall be complete one year from the time of
26 -serving the notice, unless the recorded owner or his
27 heirs:

28 A. Deliver to the person, association, corpora-
29 tion or municipality having ownership or manage-
30 ment of the cemetery written notice claiming own-
31 ership of or right to sepulture in the unoccupied
32 interment space or spaces; or

33 B. Pay for the permanent care and maintenance of
34 the cemetery lot containing the unoccupied inter-
35 ment space or spaces.

36 §1383. Service of notice

37 The notice shall be served by the mailing of the
38 notice by registered mail to the recorded owner to

1 his last known address. If the recorded owner is de-
2 ceased or his whereabouts are unknown, the notice
3 shall be served by the mailing of the notice by reg-
4 istered mail to his heirs to their last known ad-
5 dress. In the event that the address of the recorded
6 owner or his heirs cannot be ascertained, then notice
7 of the forfeiture shall be given by one publication
8 in the official newspaper of the county in which the
9 cemetery is located.

10 §1384. Resale of forfeited unoccupied interment
11 spaces

12 If the forfeiture of unoccupied interment space
13 or spaces has been complete as provided in this sub-
14 chapter, the person, association, corporation or mu-
15 nicipality having ownership or management of the cem-
16 etery may resell the unoccupied interment space or
17 spaces and convey the rights to that space or spaces.
18 The proceeds from the sale of the unoccupied inter-
19 ment space or spaces shall be applied solely to the
20 cemetery permanent care and improvement fund for the
21 permanent care and maintenance of the cemetery lot
22 containing the unoccupied interment space or spaces
23 so sold.

24 §1385. Applicability of statute

25 Sections 1380 to 1384 do not apply to any ceme-
26 tery lot containing interment space or spaces for
27 which permanent care and maintenance has been pro-
28 vided.

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STATEMENT OF FACT

2 Many cemeteries throughout the state contain cem-
3 etery lots which have not been used for interment
4 purposes for 50 consecutive years or more. During
5 that period of time, the recorded owners or their
6 heirs have failed to provide for the care and mainte-
7 nance of the lots. As a result, either these lots
8 have not been cared for or the cemetery has main-
9 tained them without reimbursement for its services.
10 These lots have presumably been abandoned and re-
11 peated attempts to contact lot owners to arrange for
12 care and maintenance have not been successful.

13 This bill allows cemeteries to recover the future
14 costs of care and maintenance of these lots by per-
15 mitting the cemeteries to resell any unoccupied in-
16 terment space or spaces within these lots. Proper
17 notice must be given to the recorded owner or his
18 heirs before the forfeiture of unoccupied interment
19 spaces is complete. The proceeds from the resale of
20 the unoccupied interment spaces will be placed in the
21 permanent care and improvement fund of the cemetery
22 and used solely for maintenance of the lots contain-
23 ing these unoccupied interment spaces.

24 This bill pertains strictly to those lots for
25 which permanent care and maintenance has not been
26 provided and specifically to those unoccupied inter-
27 ment spaces within the lots.

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