

MAINE STATE LEGISLATURE

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S
of S.

1

L.D. 2031

2

(Filing No. S-313)

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STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

SECOND REGULAR SESSION

7

SENATE AMENDMENT " A " to S.P. 774, L.D. 2031,
8 Bill, "AN ACT Relating to the Use of Unoccupied
9 Interment Spaces. "

10

Amend the Bill in that part designated "§1381." in
11 the next to last line (page 2, line 11 in L.D.) by
12 striking out the underlined words "immediately
13 adjacent" and inserting in their place the following:
14 'on either side'

15

Further amend the Bill in that part designated
16 "§1383." in subsection 2 in paragraph A in the last
17 line (page 2, line 35 in L.D.) by striking out the
18 underlined word "or" and inserting in its place the
19 following: 'and'

20

Further amend the Bill in that part designated
21 "§1384." by striking out all of the first sentence
22 (page 3, lines 5 to 7 in L.D.) and inserting in its
23 place the following:

24

'The person, association, corporation or
25 municipality having ownership or management of a
26 cemetery shall choose that method of notice most
27 reasonably anticipated to be effective. Personal
28 service on the record owner in the same way service of
29 process is made in accordance with Maine Rules of
3 Civil Procedure shall be the preferred method. If

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1 that is not reasonably possible, personal service in
2 the same manner shall be considered on the heirs or
3 devisees. If that is not reasonably possible, the
4 notice shall be served by delivery by certified mail,
5 return receipt requested, to the record owner at the
6 owner's last known address.'

7 Further amend the Bill in that part designated
8 "\$1386." by adding at the end the following:

9 'This subchapter does not apply to any cemetery of
10 less than 1/2 of an acre.'

11 STATEMENT OF FACT

12 This amendment makes 4 changes in the original
13 bill.

14 First, it changes the language concerning usable,
15 unoccupied cemetery spaces. The spaces on either side
16 of an occupied space may not be used under the new
17 subchapter.

18 Second, this amendment corrects the language to
19 indicate that an unoccupied space in a cemetery lot
20 will be used after notice is given of that intent,
21 unless the person claiming the lot gives the cemetery
22 management a written notice of the claim and pays for
23 the permanent care and maintenance of the lot. The
24 original bill presented the requirements as if they
25 were alternatives.

26 Third, this amendment clarifies the type of notice
27 which must be given, based on what is reasonably
28 possible. Personal service on the record owner is
29 preferred; the next preferred method of notice is
30 personal service on the heirs or devisees of the
31 record owner. In both cases, personal service should
32 be in the manner specified in the Maine Rules of Civil
33 Procedure. If neither method is reasonably possible,
34 then notice by certified mail, return receipt
35 requested, to the record owner at the last known
36 address is next preferred.

37 The 4th change this amendment makes is to

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1 exclude very small cemeteries and burial grounds from
2 the bill. The unoccupied spaces in cemeteries of 1/2
3 of an acre or less may not be used. The main concern
4 is to protect family burial grounds which may or may
5 not be registered in the registry of deeds.

6

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7 (Sen. KANY)

8 SPONSORED BY:

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9

COUNTY: Kennebec

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