

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2031

S.P. 774 In Senate, January 13, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.
Reference to the Committee on Legal Affairs suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator KANY of Kennebec.

Cosponsored by Senator DUTREMBLE of York, Representative
TUPPER of Orrington, Representative JALBERT of Lisbon.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT Relating to the Use of Unoccupied
Interment Spaces.

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2
3

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

6 13 MRSA c. 83, sub-c. VI is enacted to read:

7

SUBCHAPTER VI

8

USE OF UNOCCUPIED INTERMENT SPACES

1 §1381. Use of unoccupied interment spaces

2 If a cemetery lot, or portion of a cemetery lot,
3 has not been used for interment purposes for 75
4 consecutive years and if the record owner of the lot
5 has failed to provide for the care and maintenance of
6 the lot for 75 consecutive years, then up to 1/2 of
7 these unoccupied interment spaces within the lot may
8 be used by the person, association, corporation or
9 municipality which owns, maintains and operates the
10 cemetery. If a portion of the interment spaces is
11 occupied, the spaces immediately adjacent may not be
12 used under this section.

13 §1382. Notice of use

14 Unoccupied interment spaces may not be used under
15 section 1381 unless after the 75-year period the
16 person, association, corporation or municipality which
17 owns, maintains and operates the cemetery gives notice
18 declaring that the unoccupied interment spaces within
19 the lot may be used.

20 §1383. Form of notice

21 1. Contents. The notice of use shall state that
22 the cemetery lot, or portion of the lot, containing
23 the unoccupied interment spaces has not been used for
24 interment purposes for 75 consecutive years and that
25 the record owner has failed to provide for the care
26 and maintenance of the lot for 75 consecutive years.

27 2. Time limit. The notice of use shall also
28 state that use of the unoccupied spaces may begin one
29 year from the time of serving the notice, unless the
30 record owner or the record owner's heirs:

31 A. Deliver to the person, association,
32 corporation or municipality having ownership or
33 management of the cemetery written notice claiming
34 ownership of or right to sepulture in the
35 unoccupied interment spaces; or

1 B. Pay for the permanent care and maintenance of
2 the cemetery lot, or portion of the lot,
3 containing the unoccupied interment spaces.

4 §1384. Service of notice

5 The notice shall be served by delivery by
6 certified mail, return receipt requested, to the
7 record owner at his last known address. If the record
8 owner is deceased or his whereabouts are unknown, the
9 notice shall be served by delivery by certified mail,
10 return receipt requested, to the heirs or devisees of
11 the record owner, to their last known address. If the
12 address of the record owner or heirs or devisees of
13 the record owner cannot be ascertained, then notice of
14 the forfeiture shall be given by one publication in
15 the official newspaper of the county in which the
16 cemetery is located. In addition, the notice shall be
17 recorded in the registry of deeds in the county where
18 the cemetery lot is located.

19 §1385. Resale of unoccupied interment spaces

20 A person, association, corporation or municipality
21 having ownership or management of a cemetery, and
22 which has acquired the right to use unoccupied
23 interment spaces under section 1381, may sell the
24 unoccupied interment spaces and convey the rights to
25 those spaces. The proceeds from the sale of the
26 unoccupied interment spaces shall be applied solely to
27 the cemetery permanent care and improvement fund for
28 the permanent care and maintenance of the cemetery lot
29 containing the unoccupied interment spaces sold.

30 §1386. Applicability

31 This subchapter does not apply to any cemetery lot
32 containing interment spaces for which permanent care
33 and maintenance has been provided.

