

MAINE STATE LEGISLATURE

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MAJORITY

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 372, L.D. 517, Bill, "An Act to Create a Cemetery Permanent Care and Improvement Fund"

Amend the bill by striking out the title and substituting the following:

'An Act to Create a Cemetery Perpetual Care Fund'

Amend the bill by striking out all of section 1 (page 1, lines 3 to 18 in L.D.) and inserting in its place the following:

'Sec. 1. 13 MRSA §1306 is enacted to read:

§1306. Cemetery perpetual care fund

A person, corporation or any other private entity that controls a cemetery shall establish a cemetery perpetual care fund. This fund is separate from any permanent care and improvement fund for a community mausoleum on a cemetery's premises established under section 1348. The income from the cemetery perpetual care fund must be devoted to maintenance of the cemetery. This cemetery perpetual care fund must be created by depositing in the fund at least 30% of the proceeds received, in full and in installments, from the sale of lots and plots in the cemetery. This section does not apply to a family burying ground as described in section 1142. The sale of a cemetery lot or plot that is subject to a contract for the perpetual care of the lot or plot or for general cemetery maintenance is exempt from this section, as long as the contract requires that at least 30% of the proceeds from the sale of the lot or plot be set aside with the income from those funds to be used for cemetery maintenance.'

COMMITTEE AMENDMENT

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SUMMARY

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6 This amendment renames the fund for the maintenance of
cemeteries the cemetery perpetual care fund, provides that the
fund is to be used only for the maintenance of the cemetery and
8 not for major improvements, and provides that only private owners
of cemeteries are required to establish the fund. Family
10 cemeteries are exempt from the requirement to establish a
maintenance fund. The amendment also exempts the sale of
12 cemetery plots that are subject to a contract for perpetual care
that is at least as stringent as the provisions of the bill.