

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 714, L.D. 1029, Bill, "An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries"

Amend the bill in section 1 in that part designated "§3107." in subsection 5 in the 5th line from the end (page 2, line 1 in L.D.) by striking out the following: "file" and inserting in its place the following: 'record' and in the last line (page 2, line 5 in L.D.) by striking out the following: "municipality" and inserting in its place the following: 'cemetery'

Further amend the bill in section 1 in that part designated "§3107." by inserting after subsection 5 the following:

6. Maintenance of title and characteristics. Once title to an abandoned cemetery has been recorded by a municipality, that municipality shall maintain the title in perpetuity and may never transfer title to the cemetery. The municipality shall also maintain the characteristics of the cemetery with no change in use of the cemetery land.

7. Survey and preservation plan. Prior to acquiring an abandoned cemetery under this section, a municipality may cause a survey to be done of the cemetery for which it is acquiring title in order to ascertain the true extent of the cemetery. The municipality may develop a preservation plan with guidance from a local cemetery corporation or association and local or state archaeologists.'

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SUMMARY

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The bill requires a municipality to file a confirmation of acquisition in the registry of deeds in the county in which the municipality is located. This amendment clarifies the language and requires the municipality to record the confirmation in the registry in the county in which the cemetery is located.

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This amendment also requires municipalities that acquire title to abandoned cemeteries to keep title of the land forever and not sell the property. The municipality must maintain the existing use of the land as a cemetery. The municipality may have a survey done to determine the extent of the cemetery and may develop a preservation plan with a local cemetery association and archaeologists.

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