

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1029

H.P. 714

House of Representatives, March 1, 2005

An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PINGREE of North Haven.
Cosponsored by Senator DAMON of Hancock and
Representatives: BARSTOW of Gorham, KOFFMAN of Bar Harbor, SCHATZ of Blue Hill,
Senators: COWGER of Kennebec, MAYO of Sagadahoc, ROSEN of Hancock.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 30-A MRSA §3107** is enacted to read:

6 **§3107. Abandoned cemeteries**

8 **1. Abandoned cemetery.** For purposes of this section,
10 "abandoned cemetery" means a cemetery in which no burial has been
12 made in the previous 40 years and the lots or grave sites of
 which have not been maintained within the previous 10 years,
 except for maintenance rendered by the municipality in which the
 cemetery is located.

14 **2. Acquisition by municipality.** A municipality may acquire
16 an abandoned cemetery, including ownership of any unoccupied lots
 or grave sites in the cemetery. The municipality shall use due
18 diligence in identifying any owners of the abandoned cemetery or
 any of the cemetery's unoccupied lots or grave sites and provide
20 notice to the owners of the municipality's intention to acquire
 the abandoned cemetery. If a municipality cannot locate an owner
22 pursuant to this subsection, the municipality shall publish
 notice of its intention to acquire the abandoned cemetery for 3
24 successive weeks in a newspaper having general circulation in the
 county in which the municipality is located.

26 **3. Notice.** The notice required in subsection 2 must give a
28 basic description of the abandoned cemetery by referencing the
 municipality's tax maps, set a date and place where objections to
30 the acquisition of the abandoned cemetery by the municipality
 will be received and heard and, if there are unoccupied lots or
32 grave sites in the abandoned cemetery, state the municipality's
 intention to acquire the unoccupied lots or grave sites.

34 **4. Reassertion by owner.** If an owner who receives notice
36 under subsection 2 objects to the municipality's acquisition of
 the abandoned cemetery or an unoccupied lot or grave site in the
38 cemetery, the owner must in writing object and reassert the
 owner's right of ownership over the abandoned cemetery or
40 unoccupied lot or grave site within 14 days of the date of the
 notice. An owner who reasserts ownership rights under this
42 subsection shall promptly conform to all municipal ordinances
 concerning the abandoned cemetery or unoccupied lot or gravesite.

44 **5. Reversion to municipality.** Title to an abandoned cemetery
46 and any unoccupied lots or grave sites described in the notice
 required under subsection 2 reverts to the municipality if an
48 objection by an owner of the abandoned cemetery or unoccupied lot
 or grave site within the cemetery is not received by the 15th day
50 after notice is sent to an identified owner or the last notice is
 published in a newspaper of general circulation as required under
 subsection 2. After title has reverted pursuant to this

2 subsection, the municipality shall file a confirmation of the
3 acquisition of the abandoned cemetery, including a basic
4 description of the cemetery referencing the municipality's tax
5 maps, in the registry of deeds in the county in which the
6 municipality is located.

8 SUMMARY

10 This bill allows municipalities to take title to abandoned
11 cemeteries, which are cemeteries in which no burial has taken
12 place for at least 40 years and whose lots or grave sites have
13 not been maintained for at least 10 years. The municipality
14 shall attempt to identify and notify the owner of the
15 municipality's intention to acquire the cemetery. If no owner is
16 identified, the municipality shall publish notice in a newspaper
17 of general circulation of the municipality's intention to acquire
18 the cemetery. If an owner objects and reasserts ownership
19 rights, the owner shall promptly conform to any municipal
20 ordinance concerning the cemetery. If no owner objects within 14
21 days of the last published notice, then title to the cemetery
22 reverts to the municipality.