

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 369

House of Representatives, March 22, 1921.

Reported by Mr. Maher from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Enforce Care of Burial Lots Supported by Trust
Fund.

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

Section thirteen of chapter twenty-one of the revised statutes is hereby amended, by the addition of the following words:

‘And any such city, town, or cemetery corporation, failing to furnish proper care and attention to any burial lot the perpetual care whereof has been provided for as above, shall be subject to a fine of not less than fifty, nor more than one hundred dollars, to be recovered by complaint or indictment. The judges of municipal and police courts and

7 trial justices within their respective counties shall have orig-
8 inal and concurrent jurisdiction with the supreme judicial
9 and superior courts; and of all fines provided for by this
10 section, and recovered on complaint, one-half shall go to
11 the prosecutor and one-half to the county where the trustee
12 or the town committing the offense is situated, but nothing
13 herein contained shall be construed to compel any such city,
14 town or cemetery corporation to expend in any one year
15 upon any such lot, more than the income from any such
16 fund,' so that said section thirteen as amended shall read
17 as follows:

'C. 21. Sec. 13. Any city, town, cemetery corporation,
2 trust company or trustee may accept any conveyance of
3 land not exceeding half an acre, to be forever held, kept
4 and used for a private or family burying-ground for the
5 grantors and such of their heirs and relatives by blood or
6 marriage as the conveyance shall designate. Such lot and
7 all erections thereon, including the erection and maintenance
8 of the same, and fixtures thereto suitable for its use or adorn-
9 ment as a burying-ground, are forever inalienable and in-
10 divisible, and exempt from liability for debt. Such city,
11 town, corporation, company or trustee may also accept and
12 forever hold any donation or legacy for insuring proper care
13 and attention to any burial lot or ground and the avenues
14 thereof and the monuments thereon. Having accepted such
15 donation or legacy, said trustee becomes bound to perform
16 the duties appertaining to the trust as specified in the writ-

17 ing creating the same, or, in default of such specification,
18 as required by law, and as in cases of public charity. Any
19 city or town without giving bond therefor may be appointed
20 by the probate court, testamentary trustee for the purpose
21 of holding forever in accordance with the provisions of
22 this section and the terms of the devise any fund devised
23 for the purposes aforesaid, in any will probated after the
24 first day of January, eighteen hundred ninety-two. And
25 any such city, town, or cemetery corporation, failing to fur-
26 nish proper care and attention to any burial lot, the per-
27 petual care whereof has been provided for as above, shall
28 be subject to a fine of not less than fifty nor more than one
29 hundred dollars, to be recovered by complaint or indict-
30 ment. The judges of municipal and police courts and trial
31 justices within their respective counties shall have original
32 and concurrent jurisdiction with the supreme judicial and
33 superior courts; and of all fines provided for by this sec-
34 tion, and recovered on complaint, one-half shall go to the
35 prosecutor and one-half to the county where the trustee or
36 the town committing the offense is situated, but nothing
37 herein contained shall be construed to compel any such city,
38 town or cemetery corporation to expend in any one year
39 upon any such lot more than the income from any such
40 fund.'