

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1139**

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H. P. 1908

House of Representatives, April 9, 1941.

Reported by Mr. Bowers from Committee on Public Health and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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**AN ACT to Authorize the City of Bangor to Remove the Remains in a  
Burying Ground in Hampden.**

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**Emergency preamble.** Whereas, the city of Bangor acquired a lot of land in 1922 by purchase from the Stern's Lumber Company, located in Hampden, for a gravel bank; and

Whereas, situated at the top of a hill on said land so purchased there is situated a very ancient burying ground in which certain people were buried approximately 90 years ago; and

Whereas, the city of Bangor in the process of excavating and removing sand and gravel from said land, has now used such a quantity of gravel and sand from said premises as to endanger the location of said burying ground; and

Whereas, it is necessary in order to preserve the remains in said burying ground, that the same should be removed and reburied in some suitable location provided by said city of Bangor, and

Whereas, because of the large amount of sand and gravel now being used for municipal purposes there is a likelihood of having to use a quantity of sand and gravel from said premises in the construction of the

Bangor municipal airport and public highways to be constructed by the government for the use of said municipal airport, and in connection with public defense; and

Whereas, the city of Bangor will be seriously hampered in conducting the removal of sand and gravel from said premises without injury to said burying ground, and it now becomes necessary to have authority to remove the remains from said burying ground and to rebury the same; and

Whereas, the city of Bangor is now desirous of continuing to use said sand and gravel and to preserve insofar as possible, the remains in said burying ground; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Removal of bodies from old Emery burying ground, authorized.** The city of Bangor is hereby authorized to remove from the old Emery burying ground in Hampden situated upon premises acquired by purchase from the Stern's Lumber Company by deed in 1922, the remains of the dead people there buried, and to rebury the same in some suitable lot or location either in Hampden or in Bangor as may seem reasonable and proper to said city of Bangor.

**Sec. 2. Notice.** Said city of Bangor before the removal of the remains of said dead so buried in said burying ground, shall give public notice in a newspaper published in said city of Bangor once a week for 3 weeks prior to said removal, said notice so published to request all persons who may be interested in the removal and reburying of said remains of said dead persons to declare their preference to the city clerk of said city of Bangor, if any they may have, as to whether said remains shall be buried in Bangor or in Hampden. The city of Bangor shall carry out the request of the nearest relative or friend who declares such preference. In case of any dispute, the declarer who would have the right to remove the body under existing law shall prevail. The sexton of the cemetery in which the remains are to be buried shall remove said remains.

**Sec. 3. Expense.** The expenditure of said removal and reburying of

said remains shall not exceed \$50 in each case, to be paid by the city of Bangor.

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.