

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

---

Twin City Printery  
Lewiston, Maine  
1988

---

---

**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

---

---

further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, the court shall suspend his license or permit, his right to operate motor vehicles in this State and the right to apply for or obtain a license.

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

Effective February 19, 1988.

---



---

## CHAPTER 576

S.P. 736 — L.D. 1995

### AN ACT to Clarify the Offense of Furnishing Liquor to a Minor.

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

28-A MRSA §2081, sub-§1, ¶B, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

B. Allow any minor under his control, or ~~on premises~~ in any place under his control, to consume liquor.

Effective August 4, 1988.

---



---

## CHAPTER 577

S.P. 714 — L.D. 1944

### AN ACT Clarifying the Authority of Superior Court Justices to Sit in District Court.

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

4 MRSA §120 is enacted to read:

§120. Justice or Active Retired Justice of the Superior Court to sit in District Court

A Justice or Active Retired Justice of the Superior Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the District Court in any district and, when so directed, the justice or active retired justice shall have the same authority and jurisdiction in the District Court as a regular Judge of the District Court; and whenever the Chief Justice of the Supreme Judicial Court so directs, the assigned justice may hear all matters and issue all orders, decrees and judgments that any Judge of the District Court may hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing a Justice or an Active Retired Justice of the Superior Court to sit in the District Court shall

be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by the assigned justice.

Effective August 4, 1988.

---



---

## CHAPTER 578

S.P. 746 — L.D. 2005

### AN ACT to Amend the Membership of the Soil and Water Conservation Commission.

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

12 MRSA §51, first ¶, as amended by PL 1983, c. 812, §71, is further amended to read:

The State Soil and Water Conservation Commission, as established by Title 5, section 12004, subsection 8, shall serve as an agency of the State and shall perform the functions conferred upon it in this chapter. It shall consist of the following 11 members: ~~The Dean of the College of Life Sciences and Agriculture Vice-president for Research and Public Service of the University of Maine, the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation, the Commissioner of Inland Fisheries and Wildlife and, the Commissioner of Marine Resources and the Commissioner of Environmental Protection, who shall serve ex officio ex officio, except that each ex officio member may delegate one of his that member's staff with policy-making authority to serve regularly in his absence, and 6 soil and water conservation district supervisors, one of which shall represent each of the following 6 areas: Area 1, composed of St. John Valley, Central Aroostook and Southern Aroostook Soil and Water Conservation Districts; Area 2, composed of Washington and Hancock County Soil and Water Conservation Districts; Area 3, composed of Penobscot, Piscataquis and Somerset County Soil and Water Conservation Districts; Area 4, composed of Kennebec, Knox-Lincoln and Waldo County Soil and Water Conservation Districts; Area 5, composed of Androscoggin Valley, Oxford and Franklin County Soil and Water Conservation Districts; Area 6, composed of Cumberland and York County Soil and Water Conservation Districts. Any district organized after October 1, 1975, shall be included in one of these 6 areas as determined by the State Soil and Water Conservation Commission.~~

Effective August 4, 1988.

---



---

## CHAPTER 579

S.P. 774 — L.D. 2031

### AN ACT Relating to the Use of Unoccupied Interment Spaces.

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

13 MRSA c. 83, sub-c. VI is enacted to read:

### SUBCHAPTER VI

#### USE OF UNOCCUPIED INTERMENT SPACES

##### §1381. Use of unoccupied interment spaces

If a cemetery lot, or portion of a cemetery lot, has not been used for interment purposes for 75 consecutive years and if the record owner of the lot has failed to provide for the care and maintenance of the lot for 75 consecutive years, then up to 1/2 of these unoccupied interment spaces within the lot may be used by the person, association, corporation or municipality which owns, maintains and operates the cemetery. If a portion of the interment spaces is occupied, the spaces on either side may not be used under this section.

##### §1382. Notice of use

Unoccupied interment spaces may not be used under section 1381 unless after the 75-year period the person, association, corporation or municipality which owns, maintains and operates the cemetery gives notice declaring that the unoccupied interment spaces within the lot may be used.

##### §1383. Form of notice

1. Contents. The notice of use shall state that the cemetery lot, or portion of the lot, containing the unoccupied interment spaces has not been used for interment purposes for 75 consecutive years and that the record owner has failed to provide for the care and maintenance of the lot for 75 consecutive years.

2. Time limit. The notice of use shall also state that use of the unoccupied spaces may begin one year from the time of serving the notice, unless the record owner or the record owner's heirs:

A. Deliver to the person, association, corporation or municipality having ownership or management of the cemetery written notice claiming ownership of or right to sepulture in the unoccupied interment spaces; and

B. Pay for the permanent care and maintenance of the cemetery lot, or portion of the lot, containing the unoccupied interment spaces.

##### §1384. Service of notice

The person, association, corporation or municipality having ownership or management of a cemetery shall choose that method of notice most reasonably anticipated to be effective. Personal service on the record owner in the same way service of process is made in accordance with Maine Rules of Civil Procedure shall be

the preferred method. If that is not reasonably possible, personal service in the same manner shall be considered on the heirs or devisees. If that is not reasonably possible, the notice shall be served by delivery by certified mail, return receipt requested, to the record owner at the owner's last known address. If the record owner is deceased or his whereabouts are unknown, the notice shall be served by delivery by certified mail, return receipt requested, to the heirs or devisees of the record owner, to their last known address. If the address of the record owner or heirs or devisees of the record owner cannot be ascertained, then notice of the forfeiture shall be given by one publication in the official newspaper of the county in which the cemetery is located. In addition, the notice shall be recorded in the registry of deeds in the county where the cemetery lot is located.

##### §1385. Resale of unoccupied interment spaces

A person, association, corporation or municipality having ownership or management of a cemetery, and which has acquired the right to use unoccupied interment spaces under section 1381, may sell the unoccupied interment spaces and convey the rights to those spaces. The proceeds from the sale of the unoccupied interment spaces shall be applied solely to the cemetery permanent care and improvement fund for the permanent care and maintenance of the cemetery lot containing the unoccupied interment spaces sold.

##### §1386. Applicability

This subchapter does not apply to any cemetery lot containing interment spaces for which permanent care and maintenance has been provided.

This subchapter does not apply to any cemetery of less than 1/2 of an acre.

Effective August 4, 1988.

---



---

## CHAPTER 580

S.P. 874 — L.D. 2277

### AN ACT to Extend the Reporting Deadlines of Certain Commissions and Committees.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law requires the Joint Standing Committee on Marine Resources to review and report to the Legislature on the 2-inch clam law by March 1, 1988; and

Whereas, the Department of Marine Resources has been accumulating data relating to the advisability of the law which will not be available to the Joint Standing Com-