

MAINE STATE LEGISLATURE

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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

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-

mittee on Marine Resources until March 12th, but which is necessary for the committee to assess accurately the success of the law; and

Whereas, Resolve 1987, chapter 52, created the 9-1-1 Study Commission which was required to submit a report which would aid the Joint Standing Committee on Utilities in drafting legislation to be submitted by January 30, 1988; and

Whereas, the Joint Standing Committee on Utilities, having received an initial report from the 9-1-1 Study Commission which did not include necessary cost information only recently made available to the commission, needs additional time to consider the report and cost information before introducing legislation relating to this important issue; and

Whereas, Resolve 1987, chapter 64, created the Special Commission to Study School Entrance Age and Preschool Services and mandated that the commission report by March 1, 1988; and

Whereas, the Special Commission to Study School Entrance Age and Preschool Services, having met 7 times in 1987 and 1988 and having held 3 public hearings to receive public input as directed by its authorizing legislation, needs additional time to complete its study; and

Whereas, Public Law 1987, chapter 542, created a Commission on the Feasibility of Constructing a Highway to the St. John Valley and mandated that the commission shall report its findings and any necessary legislation by February 15, 1988; and

Whereas, the Commission on the Feasibility of Constructing a Highway to the St. John Valley was charged with an extensive and complex issue with far-reaching economic ramifications, and needs additional time to complete the study and submit its findings and legislation; and

Whereas, the Alcohol and Drug Abuse Planning Committee must have an extension of its statutory annual reporting deadline in order to adequately complete its duties; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning 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. 12 MRSA §6681, sub-§7, as enacted by PL 1983, c. 838, §6, is amended to read:

7. **Sunset.** This section shall be reviewed by the joint standing committee of the Legislature having jurisdiction over marine resources in the Second Regular Ses-

sion of the 113th Legislature. That committee shall report its findings no later than ~~March~~ April 1, 1988.

Sec. 2. PL 1987, c. 542, §2 is amended to read:

Sec. 2. Feasibility of highway. The commission shall study the feasibility of constructing a 4-lane highway, with controlled access, from the end of the existing Interstate 95 to the St. John Valley. The commission may conduct an impact study if necessary. The commission shall report its findings, together with any necessary legislation, to the Second Regular Session of the 113th Legislature by ~~February~~ March 15, 1988.

Sec. 3. Resolve 1987, chapter 52, 12th ¶ is amended to read:

Report. Resolved: That the commission shall present its findings, together with any recommended legislation on or before December 1, 1987, to the joint standing committee of the Legislature having jurisdiction over public utilities, which shall review the report and submit any recommended legislation to the Second Regular Session of the 113th Legislature, by ~~January 30~~ February 29, 1988; and be it further

Sec. 4. Resolves 1987, chapter 64, section 3, first sentence is amended to read:

That the special commission shall issue its report, including any proposed legislative recommendations, to the Second Regular Session of the 113th Legislature no later than ~~March~~ April 1, 1988.

Sec. 5. Alcohol and Drug Abuse Planning Committee; report extension. Notwithstanding the Maine Revised Statutes, Title 22, section 7132, subsection 2, paragraph A, the annual report by the Alcohol and Drug Abuse Planning Committee shall be submitted to the Legislature by February 29, 1988.

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

Effective February 19, 1988.

CHAPTER 581

H.P. 1680 — L.D. 2309

AN ACT to Remove the Statutory Loan Guarantee Ceiling on the Small Business Mortgage Insurance Program of the Finance Authority of Maine.

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

Whereas, the Small Business Mortgage Insurance Program administered by the Finance Authority of Maine is committed to more than \$9,000,000 of loans to small businesses; and