

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



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## CHAP. 14.

record, and make return to legislature. R.S., c. 14, § 53. 1880, c. 239, § 29. 1883, c. 197.

Commission terminated by executive. R.S., c. 14, § 54. Sec's 37 to 54 apply to diseased horses. 1879, c. 147.

and make report thereof to the legislature, on or before the tenth day of January, biennially, unless sooner required by the governor; and such record, or an abstract thereof, shall be printed in the annual volume of transactions of the state board of agriculture. They shall receive reasonable compensation for services rendered in the discharge of their duties, to be audited and allowed by the governor and council.

SEC. 54. The governor, with the advice and consent of council, may terminate the commission when, in his judgment, the public safety permits.

SEC. 55. Sections thirty-seven to fifty-four, inclusive, apply to horses infected with glanders, or any other contagious disease.

## CHAPTER 15.

## BURYING-GROUNDS.

- SEC. 1. Towns may purchase lands for burying-grounds.
2. Proceedings, to incorporate proprietors of burying-grounds. Mode of organization, as a corporation.
3. Grounds to be fenced within one year.
4. Towns and parishes to fence ancient burying-grounds.
5. Penalty, if selectmen or other officers neglect their duty.
6. Grounds to be fenced, and are inalienable and indivisible, except by unanimous consent. A description to be recorded.
7. Land appropriated by any person for burying-ground, exempt from attachment, and inalienable.
8. Cemetery lots exempt from attachment and sale on execution, or by executors or administrators of insolvent estates.
9. When town officers may enlarge any public cemetery. Limitation.
10. Notice of hearing, how given and served.
11. Damages for land taken, how assessed. Return to be filed with town clerk. Town to vote thereon at annual meeting.
12. Land owner aggrieved, remedy for.
13. How a private cemetery may become public. Proviso.
14. Towns and cemetery companies may acquire title to land for private burying-grounds; to be inalienable, indivisible, and exempt from debts.
15. How towns may invest funds held in trust for repairs of same.
16. Trustee's acceptance of conveyance to be recorded in registry.

Towns may buy land. R.S., c. 15, § 1.

Persons may incorporate. R.S., c. 15, § 2. —organization.

Grounds to be fenced within one year. R.S., c. 15, § 3.

Towns and parishes to

SEC. 1. Towns may raise and assess money necessary for purchasing and suitably fencing land for a burying-ground.

SEC. 2. Persons of lawful age may incorporate themselves for the purpose of purchasing land for a burying-ground, as provided in sections one and two of chapter fifty-five; and may proceed in the manner and with the powers provided in section three of said chapter.

SEC. 3. Such corporation, within one year after its organization, shall make a substantial fence around the burying-ground, and keep it constantly in repair, under a penalty not exceeding one hundred dollars; which shall be expended under the direction of the municipal officers in keeping the fence in repair.

SEC. 4. Each town, parish, or religious society, to which any ancient

or public burying-yard belongs, shall keep a substantial fence around it in good repair; and for neglect, shall forfeit not exceeding one hundred dollars, to be applied as prescribed in the preceding section by said officers of such town or the treasurer or committee of such parish or society.

SEC. 5. If such officers, treasurer or committee, neglect so to apply such fines, they each forfeit the amount thereof, in an action of debt to any person suing therefor.

SEC. 6. When any persons appropriate for a burying-ground a piece of land containing not more than half an acre, it shall be exempt from attachment and execution, and inalienable and indivisible by the owners without the consent of all; and be kept fenced and occupied as a burying-ground; and they shall cause a written description of it, under their hands, attested by two disinterested witnesses, to be recorded in the registry of deeds in the county or district where it lies, or by the clerk of the town where it is situated.

SEC. 7. When a person appropriates for a family burying-ground a piece of land containing not more than one fourth of an acre, causes a description of it to be recorded in the registry of deeds of the same county, or by the clerk of the town where it is situated, and incloses it with a substantial fence, it shall be exempt from attachment and execution; and no subsequent conveyance of it shall be valid, while any person is interred therein; but it shall remain to him and his heirs as a burial place forever. Clerks shall receive fifty cents for recording such deeds.

SEC. 8. Lots in public or private cemeteries are exempt from attachment and levy on execution, and from liability to be sold by executors and administrators of insolvent estates, for the payment of debts and charges of administration. But only one lot is so exempt for any one person.

SEC. 9. The municipal officers of any town may, on petition of ten voters, enlarge any public cemetery or burying-yard within their town, by taking land of adjacent owners, to be paid for by the town, when in their judgment public necessity requires it, *provided*, that the limits thereof shall not be extended nearer any dwelling-house than twenty-five rods, against the written protest of the owner, made to said officers at the time of the hearing on said petition.

SEC. 10. Notice of a time and place for said hearing shall be given by posting written notices thereof, signed by said officers at least seven days prior thereto, in two public places in said town; and a copy of such notice and of the petition shall be served on the owners of the land at least ten days before the day of hearing.

SEC. 11. If the municipal officers at such hearing grant the prayer of the petitioners, they shall then determine what land shall be taken, and assess the damages suffered by each person thereby, make a written return of their proceedings, specifying the land taken and the damages awarded each person, and file the same with the town clerk; and such cemetery or burying-yard shall not be enlarged, pursuant to such return, until so voted by the town at its next annual meeting.

SEC. 12. Any person aggrieved by the amount of damages awarded,

## CHAP. 15.

fence ancient burying-grounds: R.S., c. 15, § 4.

Penalty for neglect of town or parish officers. R.S., c. 15, § 5.

Grounds to be fenced, and inalienable and indivisible, except by unanimous consent. R.S., c. 15, § 6.

—description to be recorded by town clerk.

Land appropriated by individuals for burying-grounds, exempt from attachment, and inalienable. R.S., c. 15, § 7.

Lots in cemeteries exempt from attachment, levy and sale by exrs. and admrs. 1874, c. 155.

When town officers may enlarge public cemetery. 1879, c. 141, § 1.

—not less than twenty-five rods from dwelling.

Notice to be given. 1874, c. 241.

Land taken, damages how determined. 1874, c. 241.

—return to be filed with town clerk.

—town to vote thereon at annual meeting.

Person aggrieved

CHAP. 15. may, on petition to the county commissioners, have them assessed in the manner provided respecting highways.

remedy for.  
1874, c. 241.  
See c. 18, § 8.  
How private  
cemetery  
may become  
public.  
1881, c. 3.

—proviso.

SEC. 13. Any private cemetery or burying-ground, by written agreement of all the owners thereof, recorded by the clerk of the town in which it is situated, may, by vote of such town within one month after the recording of such agreement by the town clerk, become public, and subject to the law relating to public cemeteries or burying-grounds; *provided*, that such agreement is not in conflict with the terms of any conveyance or devise of land for the purposes of a burying-ground.

Towns and  
cemetery  
corporations  
may accept  
title to land  
for private  
burying-  
grounds.  
1883, c. 117, § 1.  
—lot and fix-  
tures exempt  
from liability  
for debt.

—towns may  
hold funds in  
trust for  
repair of  
grounds.

SEC. 14. Any city, town, cemetery corporation or trust company may accept any conveyance of land not exceeding half an acre, to be forever held, kept and used for a private or family burying-ground for the grantors and such of their heirs and relatives by blood or marriage as the conveyance shall designate. Such lot and all erections thereon, including the erection and maintenance of the same, and fixtures thereto suitable for its use or adornment as a burying-ground, are forever inalienable and indivisible, and exempt from liability for debt. Such city, town, corporation or company may also accept and forever hold any donation or legacy for insuring proper care and attention to any burial lot or ground and the avenues thereof and the monuments thereon. Having accepted such donation or legacy, said trustee becomes bound to perform the duties appertaining to the trust as specified in the writing creating the same, or, in default of such specification, as required by law, and as in cases of public charity.

Investment  
of funds.  
1883, c. 117, § 2.

SEC. 15. Every trust fund authorized by the preceding section shall be safely invested in United States, state, county, city or town securities; and the annual income only, shall be expended in performance of the requirements of the trust.

Town's  
acceptance,  
where  
recorded.  
1883, c. 117, § 3.

SEC. 16. A copy of the record of the vote of the trustee so accepting a conveyance of lands shall be indorsed on the conveyance and certified thereon by the clerk of the grantee, and recorded in the registry of deeds with the conveyance.

## CHAPTER 16.

### DRAINS AND COMMON SEWERS.

- SEC. 1. Penalty for laying drains in highways or streets without consent of municipal officers.
2. Municipal officers authorized to construct public drains.
  3. Damages, how assessed and paid.
  4. Private drains, regulations, and application for permits.
  5. Amount to be paid for permit, how adjusted.
  6. Drains heretofore constructed, how maintained and managed.
  7. Penalty for connecting private drains with public without permit.
  8. Penalty for violation of permit.
  9. Drains to be kept in repair. Penalty for neglect.