CHAPTER 83

CEMETERY CORPORATIONS

SUBCHAPTER 1

GENERAL PROVISIONS

§1031. Unauthorized establishment; injunction

Any cemetery, community mausoleum or columbarium established, maintained or operated in violation of or contrary to this chapter is declared to be a nuisance, which may be abated or enjoined as such by the civil action of any citizen of this State.

§1031-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 676, §1 (NEW).]

1. Natural organic reduction. "Natural organic reduction" means the contained accelerated conversion of human remains to soil.
[PL 2023, c. 676, §1 (NEW).]

2. Natural organic reduction facility. "Natural organic reduction facility" means a building or structure or a room or other space in a building or structure or real property where natural organic reduction is facilitated and occurs.
[PL 2023, c. 676, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 676, §1 (NEW).

§1032. Disposal of bodies

Except as otherwise provided by law, or in case of a dead body being rightfully carried through or removed from the State for the purpose of burial or disposition elsewhere, every dead body of a human being dying within the State and the remains of any body after dissection therein must be decently buried, entombed in a mausoleum, vault or tomb, cremated or subjected to natural organic reduction within a reasonable time after death. The permanent disposition of such bodies or remains must be by interment in the earth, or deposit in a chamber, vault or tomb of a cemetery owned, maintained and operated in accordance with the laws of this State, by deposit in a crypt of a mausoleum or by cremation or natural organic reduction. The remains of a human body after cremation or natural organic reduction may be deposited in a niche of a columbarium or a crypt of a mausoleum, scattered in an area of a cemetery, buried or disposed of in any manner not contrary to law. A deposit of the bodies or remains of the human dead may not be made in a single chamber, vault or tomb partly above and partly below the natural surface of the ground, unless the part thereof below such surface is of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, waterproof and airtight, and capable of being sealed permanently to prevent all escape of effluvia, and unless the part thereof above the natural surface of the ground is constructed of natural stone of a standard not less than that required by the United States Government for monuments erected in national cemeteries, or durability sufficient to withstand all conditions of weather. [PL 2023, c. 676, §2 (AMD).]

SECTION HISTORY

PL 2023, c. 676, §2 (AMD).

§1033. Vested rights

This chapter shall not be construed as affecting any vested rights of any cemetery association or other agency owning, maintaining and operating a cemetery or crematory immediately prior to July 24, 1937. Insofar as this chapter does not violate any such vested rights, it shall, except as otherwise provided, apply to all such cemetery associations or other agencies.

§1034. Jurisdiction

The Superior Court has original and concurrent jurisdiction in all cases under this chapter. Judges of the District Court may cause the persons brought before them on complaint for violation of section 1342 or 1343 to recognize with sufficient sureties to appear at the next term of the Superior Court and, in default thereof, shall commit them. [RR 2021, c. 2, Pt. A, §25 (COR).]

SECTION HISTORY

RR 2021, c. 2, Pt. A, §25 (COR).

§1035. Penalties

Except as otherwise provided in this chapter, a person who fails to comply with or violates any of the provisions of this chapter in respect to the establishment, maintenance or operation of a cemetery, community mausoleum, crematory, natural organic reduction facility or columbarium or to the disposal of dead human bodies commits a Class E crime except that, notwithstanding Title 17-A, section 1704 and 1705, the fine may not be less than $100 or more than $500. [PL 2023, c. 676, §3 (AMD).]

SECTION HISTORY

PL 2007, c. 112, §1 (AMD). PL 2019, c. 113, Pt. C, §25 (AMD). PL 2023, c. 676, §3 (AMD).

§1036. Recovery of fines or penalties

All fines or penalties provided by section 1035 may be recovered or enforced by indictment, and the necessary processes for causing the crypts and catacombs to be sealed or the bodies to be removed and buried, and execution to recover the necessary expenses thereof, may be issued by the Superior Court.

SUBCHAPTER 2

BURYING GROUNDS

ARTICLE 1

ORGANIZATION

§1071. Incorporation

Persons of lawful age may organize themselves into a nonprofit-sharing corporation for the purpose of purchasing land for a burying ground and for the purpose of owning, maintaining and operating a cemetery or cemeteries, as provided in sections 901 and 903 and may proceed in the manner and, except as restricted, with the powers provided in section 931. [PL 1975, c. 770, §75 (AMD).]

SECTION HISTORY

PL 1965, c. 66 (AMD). PL 1975, c. 770, §75 (AMD).

ARTICLE 2

DUTIES OF TOWN OR COUNTY

§1101. Maintenance and repairs; municipality

1. Grave sites of veterans in ancient burying grounds. In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations, descendants of veterans buried in the ancient burying ground and other interested persons, shall keep in good condition all graves, headstones, monuments and markers designating the burial place of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations, descendants of veterans buried in the ancient burying ground and other interested persons, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground. A caretaker for a municipality may be designated only by a writing signed by the municipal officers as defined in Title 30-A, section 2001, subsection 10.
[PL 2019, c. 561, §1 (AMD).]

1-A. Grave sites of persons who are not designated as veterans in ancient burying grounds. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality in which an ancient burying ground is located may keep the grass, weeds and brush suitably cut and trimmed from May 1st to September 30th of each year on all graves, headstones, monuments and markers in the ancient burying ground not designating the burial place of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's functions regarding an ancient burying ground.
[PL 2013, c. 524, §1 (NEW).]

2. Grave sites of veterans in public burying grounds. A municipality, cemetery corporation or cemetery association owning and operating a public burying ground shall, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, keep the grave, headstone, monument or marker designating the burial place of any veteran of the Armed Forces of the United States in that public burying ground in good condition and repair from May 1st to September 30th of each year.

A municipality in which a public burying ground is located may, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, adopt standards of good condition and repair to which grave sites of veterans of the Armed Forces of the United States must be kept. The standards at a minimum must detail how to maintain the grave, grass and headstones.

If a municipality does not adopt standards, the municipality, cemetery corporation or cemetery association shall apply the following standards of good condition and repair:

A. [PL 2013, c. 524, §1 (RP).]

B. [PL 2013, c. 524, §1 (RP).]

C. [PL 2013, c. 524, §1 (RP).]

D. Ensure that grass is suitably cut and trimmed; [PL 2013, c. 524, §1 (AMD).]

E. Keep a flat grave marker free of grass and debris; and [PL 2013, c. 524, §1 (AMD).]

F. Keep the burial place free of fallen trees, branches, vines and weeds. [PL 2013, c. 524, §1 (AMD).]

[PL 2013, c. 524, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 255, §1 (AMD). PL 1999, c. 700, §1 (AMD). PL 2013, c. 421, §1 (RPR). PL 2013, c. 524, §1 (AMD). PL 2019, c. 561, §1 (AMD).

§1101-A. Definition

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 421, §1 (AMD).]

1. Ancient burying ground. "Ancient burying ground" means a cemetery established before 1880 in which burial is restricted to:

A. Members of the family or families that established the cemetery, their descendants or others as chosen by the members of the family or families that established the cemetery; or [PL 2019, c. 561, §2 (NEW).]

B. Persons or a group of persons as specified by the persons or group of persons that established the cemetery. [PL 2019, c. 561, §2 (NEW).]

The existence of an ancient burying ground may be established in accordance with section 1101-B, subsection 3.

[PL 2019, c. 561, §2 (RPR).]

2. Columbarium. "Columbarium" means a structure or room or space in a mausoleum or other building containing niches or recesses for disposition of cremated human remains or human remains that have been subjected to natural organic reduction.

[PL 2023, c. 676, §4 (AMD).]

3. Community mausoleum. "Community mausoleum" means an aboveground structure designed for entombment of human remains of the general public, as opposed to the entombment of the remains of family members in a privately owned, family mausoleum of no more than 6 crypts.

[PL 2003, c. 421, §1 (NEW).]

4. Public burying ground. "Public burying ground" means a burying ground or cemetery in which any person may be buried without regard to religious or other affiliation and includes a cemetery owned and operated by a municipality, a cemetery corporation or a cemetery association.

[PL 2013, c. 524, §2 (NEW).]

SECTION HISTORY

PL 1999, c. 700, §2 (NEW). PL 2003, c. 421, §1 (AMD). PL 2013, c. 524, §2 (AMD). PL 2019, c. 561, §2 (AMD). PL 2023, c. 676, §4 (AMD).

§1101-B. Ancient burying grounds

1. Access to ancient burying grounds on privately owned land. The owner of an ancient burying ground shall provide a municipality or its caretaker designated pursuant to section 1101 access necessary to perform the duties pursuant to section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide access may result in the owner being held responsible for any fines, court costs and attorney's fees incurred by municipalities in legally obtaining access or for failing to meet the requirements of section 1101.

[PL 2013, c. 421, §2 (AMD).]

2. Maintenance by landowner. A person who owns a parcel of land that contains an ancient burying ground and chooses to deny access to the municipality or its caretaker designated pursuant to

section 1101 shall assume the duties as described in section 1101 and Title 30-A, section 2901, subsection 1. Maintenance of an ancient burying ground by the owner exempts the municipality from performing the duties as described in section 1101.

A municipality or its caretaker designated pursuant to section 1101 to carry out the municipality's functions regarding an ancient burying ground must have access to any ancient burying ground within the municipality in order to determine if the ancient burying ground is being maintained in good condition and repair. If an ancient burying ground or a veteran's grave within an ancient burying ground is not maintained in good condition and repair, the municipality may take over the care or appoint a caretaker to whom it delegates the municipality's functions regarding an ancient burying ground.
[PL 2013, c. 524, §3 (AMD).]

3. Documentation; lack of documentation or apparent marked boundaries. The existence of an ancient burying ground may be documented in papers, including:

A. Records of the register of deeds; [PL 2019, c. 561, §3 (NEW).]

B. Property deeds; [PL 2019, c. 561, §3 (NEW).]

C. Manuscripts or published records of the history of a county or municipality; [PL 2019, c. 561, §3 (NEW).]

D. Records of a municipality; or [PL 2019, c. 561, §3 (NEW).]

E. Historical or current maps. [PL 2019, c. 561, §3 (NEW).]

A lack of documentation of an ancient burying ground as described in this subsection may not disprove the existence of an ancient burying ground if there is physical evidence of its existence.

A lack of apparent marked boundaries of an ancient burying ground may not disprove the existence of an ancient burying ground.
[PL 2019, c. 561, §3 (NEW).]

SECTION HISTORY

PL 1999, c. 700, §2 (NEW). PL 2013, c. 421, §2 (AMD). PL 2013, c. 524, §3 (AMD). PL 2019, c. 561, §3 (AMD).

§1101-C. Notice of responsibility

When a municipality fails without good reason to maintain the good condition and repair of a grave, headstone, monument or marker or fails to keep the grass suitably cut and trimmed on any such grave pursuant to section 1101 and at least one of the municipal officers has had 14 days' actual notice or knowledge of the neglected condition, a penalty of not more than $100 may be assessed on the municipality. [PL 1999, c. 700, §2 (NEW).]

SECTION HISTORY

PL 1999, c. 700, §2 (NEW).

§1101-D. Unorganized townships

If an ancient burying ground or a public burying ground as described in section 1101 is located in an unorganized township, the county in which the township is located is subject to sections 1101, 1101-B and 1101-C except that the county is not required to designate a caretaker by a writing as required in section 1101, subsection 1. [PL 2019, c. 561, §4 (AMD).]

SECTION HISTORY

PL 1999, c. 700, §2 (NEW). PL 2019, c. 561, §4 (AMD).

§1101-E. Graves on land owned by Federal Government

Veterans' graves as described in section 1101 that are located on a site that was owned by the Federal Government as of January 1, 2000 are not subject to the requirements of section 1101. [PL 1999, c. 700, §2 (NEW).]

SECTION HISTORY

PL 1999, c. 700, §2 (NEW).

§1102. -- neglect

If such officers, treasurer or committee neglect so to apply such fines, they each forfeit the amount thereof, in a civil action, to any person suing therefor.

§1103. -- unincorporated places

(REPEALED)

SECTION HISTORY

PL 1983, c. 471, §1 (RP).

ARTICLE 3

EXEMPTION FROM ATTACHMENT

§1141. Grounds inalienable; description recorded

When any persons appropriate for a burying ground a piece of land containing not more than 1/2 of 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 or otherwise substantially marked and occupied as a burying ground. They shall cause a written description of it, under their hands, attested by 2 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.

§1142. Family burying grounds

When a person appropriates for a family burying ground a piece of land containing not more than 1/4 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 substantially marks the bounds of the burying ground or encloses it with a fence, it is exempt from attachment and execution. No subsequent conveyance of it is valid while any person is interred in the burying ground; but it must remain to the person who appropriated, recorded and marked that burying ground and to that person's heirs as a burial place forever. If property surrounding a burying ground appropriated pursuant to this section is conveyed, the property is conveyed by the person who appropriated the property or by an heir of that person and the conveyance causes the burying ground to be inaccessible from any public way, the conveyance is made subject to an easement for the benefit of the spouse, ancestors and descendants of any person interred in the burying ground. The easement may be used only by persons to walk in a direct route from the public way nearest the burying ground to the burying ground at reasonable hours. [PL 1991, c. 412, §1 (AMD).]

SECTION HISTORY

PL 1991, c. 412, §1 (AMD).

§1143. Lots

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. Only one lot shall be so exempt for any one person.

ARTICLE 4

ENLARGEMENT OF GROUNDS

§1181. Restrictions and conditions

The municipal officers of any town may on petition of 10 voters enlarge any public cemetery or burying ground or incorporated cemetery or burying ground within their town by taking land of adjacent owners, to be paid for by the town or otherwise as the municipal officers may direct, when in their judgment public necessity requires it. The limits thereof shall not be extended nearer any improved land used for recreational purposes or dwelling house than 100 feet, or nearer any well, from which the water is used for domestic purposes, than 200 feet, against the written protest of the owner made to the officers at the time of the hearing on the petition. Nor shall any person, corporation or association establish, locate or enlarge any cemetery or burying ground by selling or otherwise disposing of land so that the limits thereof shall be extended nearer any improved land used for recreational purposes or dwelling house than 100 feet, or nearer any well, from which the water is used for domestic purposes, than 200 feet, against the written protest of the owner. Nothing in this section shall prohibit the sale or disposition of lots within the limits of any existing cemetery or burying ground, nor the extension thereof away from any improved land used for recreational purposes or dwelling house or well. This section shall not apply to land acquired under Title 37-A, section 15. [PL 1981, c. 33 (AMD).]

SECTION HISTORY

PL 1967, c. 502, §1 (AMD). PL 1973, c. 537, §18 (AMD). PL 1981, c. 33 (AMD).

§1182. Notice

Notice of a time and place for a hearing held under section 1181 shall be given by posting written notices thereof, signed by said officers, at least 7 days prior thereto, in 2 public places in said town. A copy of such notice and of the petition shall be served on the owners of the land at least 10 days before the day of hearing.

§1183. Damages for land taken; town vote

If the municipal officers at the hearing held under section 1181 grant the prayer of the petitioners, they shall then determine what land shall be taken and assess the damages suffered by each person thereby, as if the land were taken for town ways, 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. Such cemetery or burying ground shall not be enlarged, pursuant to such return, until so voted by the town at its next annual meeting. [PL 1975, c. 431, §3 (AMD).]

SECTION HISTORY

PL 1975, c. 431, §3 (AMD).

§1184. Persons aggrieved; remedy

Any person aggrieved by the amount of damages awarded may have them determined by written complaint to the Superior Court in the manner provided respecting damages for the establishment of town ways.

ARTICLE 5

CONVEYANCE TO TOWN

§1221. Proceedings

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 such agreement is not in conflict with the terms of any conveyance or devise of land for the purposes of a burying ground.

§1222. Acceptance; exemption from liability; trust funds for repairs

Any city, town, cemetery corporation, trust company or trustee may accept any conveyance of land not exceeding 1/2 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, company or trustee may 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. Any city or town without giving bond therefor may be appointed by the probate court testamentary trustee for the purpose of holding forever, in accordance with this section and the terms of the devise, any fund devised for the purposes aforesaid. Any such city, town, cemetery corporation, trust company, or trustee failing to furnish proper care and attention to any burial lot, the perpetual care whereof has been provided for as above, shall be punished by a fine of not less than $50 nor more than $100, to be recovered by complaint or indictment. The District Court and the Superior Court shall have concurrent jurisdiction. Of all fines provided for under this section and recovered on complaint, 1/2 shall go to the prosecutor and 1/2 to the county where the city, town, cemetery corporation, trust company or trustee committing the offense is situated. Nothing herein contained shall be construed to compel any such city, town, cemetery corporation, trust company or trustee to expend in any one year upon any such lot more than the income from any such fund.

§1223. Investment of funds

Cemetery trust funds of any cemetery corporation or association, trust company, church, religious or charitable society, or other trustee, shall be invested in the manner provided in Title 30-A, chapter 223, subchapter III-A, and, unless the instrument or order creating the trusts prohibits, may be combined with other similar trust funds in the manner provided in Title 30-A, section 5654, and the annual income only shall be expended in performance of the requirements of the trust. [PL 1987, c. 737, Pt. C, §§24, 106 (AMD); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§C24,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD).

§1224. Recording of acceptance

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.

ARTICLE 6

TRUST FUNDS

§1261. Authority to hold

Any person owning or interested in a lot or lots in a public burying ground of a city or town may deposit with the treasurer of such city or town a sum of money for the purpose of providing for the preservation and care of such lot or lots, or their appurtenances, which sum shall be entered upon the books of the treasurer and invested and held in accordance with Title 30-A, chapter 223, subchapter III-A. [PL 1987, c. 737, Pt. C, §§25, 106 (AMD); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§C25,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD).

§1262. Bylaws and ordinances

A city or town may pass such ordinances or bylaws as may be necessary for the purposes of section 1261 and not repugnant to law, and may receive such money for said purposes, and may invest and hold the same as provided in section 1261.

§1263. Acceptance of deposits

When any person owning or interested in a lot in a public burying ground in a city or town deposits with the treasurer of such city or town a sum of money for the preservation or care of such lot as provided by section 1262, said city or town may accept a conveyance of such lot for the uses and upon the trusts which may be set forth in said conveyance, and may bind itself to keep and perform the agreements, uses and trusts contained in the deed of conveyance of such lot.

§1264. Trust funds for services or property

1. Trust accounts. Pre-need funds received for cemetery or crematory services or property to be delivered at or after the date of death must be placed in a cemetery or crematory trust account in a bank, trust company, credit union or savings institution. For purposes of this subsection, "pre-need funds" means all money paid during a person's lifetime to a cemetery or crematory by that person or by another person on that person's behalf under an agreement that services will be performed or property will be delivered in connection with the disposition of that person's body after that person's death. [PL 1995, c. 474, §1 (NEW).]

2. Trust agreement. A trust agreement setting forth the following information must be signed by the payor and the payee and the original agreement must be given to the payor and a copy of that agreement must be given to the payee:

A. The name and address of the individual for whose benefit services or property will be delivered; [PL 1995, c. 474, §1 (NEW).]

B. The name of the entity acting as trustee; [PL 1995, c. 474, §1 (NEW).]

C. The name and address of the payor; [PL 1995, c. 474, §1 (NEW).]

D. The services or property that will be provided by the payee; [PL 1995, c. 474, §1 (NEW).]

E. Statements that a full refund of the principal of the funds placed in trust must be made by the payee upon written request of the payor, the payor's attorney-in-fact or the payor's personal representative and that, in the absence of such a request, the payee may withdraw the funds only upon the death of the person for whose benefit the funds were paid and shall use the funds in accordance with the purposes identified in the trust agreement; and [PL 1995, c. 474, §1 (NEW).]

F. A statement that interest on funds placed in trust will not be paid to the payor in the event of a refund of principal of trust funds and any interest that may accrue remains with the payee. [PL 1995, c. 474, §1 (NEW).]

[PL 1995, c. 474, §1 (NEW).]

3. Services and property covered. This section applies to cemetery or crematory services such as cremation fees, grave opening and closing charges and inscription of death dates. This section does not apply to the sale of cemetery lots or plots, monuments and memorials, garden crypts, lawn crypts, mausoleum crypts, cremation urns and niches, vaults, liners and similar tangible personal property if title to and physical possession of the specific property has passed to the buyer. Any funds expended to purchase tangible personal property when that personal property is held by the payee until the time of need are not considered funds that must be placed in the trust account.
[PL 1995, c. 474, §1 (NEW).]

4. Refund provisions. A full refund of the principal of the funds placed in trust must be made by the payee upon written request of the payor, the payor's attorney-in-fact or the payor's personal representative. In the absence of such a request, the payee may withdraw the funds only upon the death of the person for whose benefit the funds were paid and shall use the funds in accordance with the purposes identified on the trust agreement.
[PL 1995, c. 474, §1 (NEW).]

5. Administrative fees. The payee may not charge the payor, the payor's attorney-in-fact or the payor's personal representative an administrative fee for funds or tangible personal property held in trust.
[PL 1995, c. 474, §1 (NEW).]

6. Application. The provisions of this section apply only to funds received by a payee of a trust account after the effective date of this section.
[PL 1995, c. 474, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 474, §1 (NEW).

§1265. Tangible personal property

Upon written request and payment of any reasonable out-of-pocket expenses, a cemetery, crematory or natural organic reduction facility shall deliver to a person, the person's attorney-in-fact or the person's personal representative any item of tangible personal property purchased by that person but remaining in the possession of the cemetery, crematory or natural organic reduction facility. [PL 2023, c. 676, §5 (AMD).]

SECTION HISTORY

PL 1995, c. 474, §1 (NEW). PL 2023, c. 676, §5 (AMD).

§1266. Solicitation of cemetery or crematory or other services or property

Uninvited telephone or door-to-door solicitations for crematory, cemetery or natural organic reduction facility services or property are prohibited. This section may not be construed to limit the raising of funds for capital improvements as long as those funds are not raised through the purchase of cemetery, crematory or natural organic reduction facility services or property. Uninvited solicitations may not be construed to include solicitations resulting from uninvited good-faith personal referrals from individuals purchasing services or property from a cemetery, crematory or natural organic reduction facility. [PL 2023, c. 676, §6 (AMD).]

SECTION HISTORY

PL 1995, c. 474, §1 (NEW). PL 2023, c. 676, §6 (AMD).

§1267. Penalties

A person is subject to criminal prosecution under Title 17-A, chapter 15 if the person violates section 1264 or 1265. A person who violates section 1266 commits a civil violation for which a fine of not less than $100 and not more than $500 may be adjudged. [PL 2003, c. 688, Pt. B, §1 (AMD).]

SECTION HISTORY

PL 1995, c. 474, §1 (NEW). PL 2003, c. 688, §B1 (AMD).

SUBCHAPTER 3

PUBLIC CEMETERIES

§1301. Incorporation; exemption from attachment and taxation

Any 7 or more persons may be incorporated, not for profit, in the manner provided in section 901 for the purpose of owning, managing and protecting lands and their appurtenances appropriated for public cemeteries. The property of such corporations and the shares of stock therein are exempt from attachment and taxation. Any cemetery corporation may accept and receive donations of money, general legacies and devises of real estate or legacies in trust, for the purpose of landscaping, general beautification and care of lots, memorials, avenues and plots in said cemetery, without being appointed or confirmed by any court as such trustee. [PL 1975, c. 770, §76 (AMD).]

SECTION HISTORY

PL 1975, c. 770, §76 (AMD).

§1302. Recording of deeds

Deeds of burial lots in any public cemetery may be recorded in the registry of deeds for the county or district where such cemetery is situated.

§1303. Ownership and operation

Every cemetery, except Veterans' Memorial Cemetery established under Title 37-A, chapter 2, hereafter established shall be owned, maintained or operated by a municipality or other political subdivision of the State, a church, a religious or charitable society, or by a cemetery association incorporated as provided in section 1071 or 1301. [PL 1973, c. 537, §19 (AMD).]

Every such cemetery must be located in accordance with statutes already in force and effect, and only after consent for such location has been obtained from the municipality or other political subdivision where the same is proposed to be located, as well as from the Department of Health and Human Services. A cemetery, community mausoleum, crematory, natural organic reduction facility or columbarium hereafter established may not be maintained or operated for the purpose of private profit or gain, either directly or indirectly, to any director, officer or member of the cemetery association or other agency owning, maintaining or operating the same, or of any holding company or development company employed to develop, build and dispose of the same. A cemetery lawfully established prior to July 24, 1937 may continue to be owned, maintained and operated under the form of organization adopted therefor. Any corporation organized prior to July 24, 1937 that is authorized or empowered to own, construct, maintain or operate cemeteries or burial grounds may lawfully own, construct, maintain or operate mausoleums, crematories or columbaria in connection therewith, in accordance with the laws existing and effective up to the time of July 24, 1937. [PL 2023, c. 676, §7 (AMD).]

SECTION HISTORY

PL 1967, c. 502, §2 (AMD). PL 1973, c. 537, §19 (AMD). PL 2023, c. 676, §7 (AMD).

§1304. Sales for speculation or investment

The sale of cemetery lots and plots, or the sale of crypts in a community mausoleum or niches in a columbarium for speculative or financial investment purposes, or the conveyance of any portion of a cemetery already dedicated to burial purposes as security for debt, is prohibited. Every such conveyance, whether made by a person or by a cemetery association, or by a company or association owning and operating a community mausoleum, crematory, natural organic reduction facility or columbarium, or by any holding, development or subsidiary company, is void and of no effect. Whoever makes or attempts to make a sale or conveyance contrary to this section must be punished as provided in section 1035. [PL 2023, c. 676, §8 (AMD).]

SECTION HISTORY

PL 2023, c. 676, §8 (AMD).

§1305. Care and maintenance

The proceeds of the sales of lots and plots in a cemetery shall be applied solely to the management, superintendence, improvement and maintenance of the cemetery and the avenues, paths and structures situated therein, for the purchase of additional cemetery land and for the accumulation of a permanent care and improvement fund. If any indebtedness of a fixed amount is incurred in the purchase of lands for such cemetery, or in making any improvement therein, a sum not exceeding 50% of the gross receipts from the sale of burial lots and plots may be applied to the liquidation of such indebtedness. All moneys received from the sale of personal property and surplus real estate of a cemetery shall be applied first to the liquidation of any fixed indebtedness incurred by it on account of the purchase or improvement of the lands dedicated to cemetery purposes, and any residue remaining after the liquidation of such indebtedness shall be deposited in the permanent care and improvement fund of the cemetery. This section shall not apply to any cemetery now organized and operating.

§1306. Cemetery perpetual care fund

A person, corporation or any other private entity that controls a cemetery shall establish a cemetery perpetual care fund. This fund is separate from any permanent care and improvement fund for a community mausoleum on a cemetery's premises established under section 1348. The income from the cemetery perpetual care fund must be devoted to maintenance of the cemetery. This cemetery perpetual care fund must be created by depositing in the fund at least 30% of the proceeds received, in full and in installments, from the sale of lots and plots in the cemetery. This section does not apply to a family burying ground as described in section 1142. The sale of a cemetery lot or plot that is subject to a contract for the perpetual care of the lot or plot or for general cemetery maintenance is exempt from this section, as long as the contract requires that at least 30% of the proceeds from the sale of the lot or plot be set aside with the income from those funds to be used for cemetery maintenance. [PL 1997, c. 140, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 140, §1 (NEW).

SUBCHAPTER 4

MAUSOLEUMS AND VAULTS

§1341. Location

1. Mausoleum, crematory or other structure. A community mausoleum, community crematory or other community structure that holds or contains dead human bodies may only be erected in a cemetery that is at least 20 acres in size and has been in existence and used for burial for at least 2 years preceding the erection of the structure.
[PL 2003, c. 421, §2 (AMD).]

2. Columbarium. A columbarium that holds or contains the cremated remains of dead human bodies may only be erected in a cemetery that is at least 5 acres in size and has been in existence and used for burial for at least 2 years preceding the erection of the structure.
[PL 1999, c. 620, §1 (NEW).]

3. Exception. This section does not apply to a structure containing crypts erected or controlled by a church or religious society used for the remains of the clergy or dignitaries of the church or religious society.
[PL 1999, c. 620, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 620, §1 (RPR). PL 2003, c. 421, §2 (AMD).

§1342. Approval of health authority

Before any person, firm or corporation shall build, construct or erect any such community mausoleum, vault or other burial structure entirely above ground or partly above and partly by excavation, with the intention and purpose that when so built, constructed and erected the same may contain 20 or more deceased human bodies for permanent interment, such person, firm or corporation shall present all plans for such construction to the Bureau of Health and shall obtain the written approval of such plans by said bureau before proceeding with the construction and erection of said mausoleum, vault or other burial structure.

§1343. Type of construction; examinations

Any such community mausoleum or other burial structure shall be constructed of such materials and workmanship as will insure its durability and permanency as well as the safety, convenience, comfort and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science, and all crypts or catacombs placed in a mausoleum, vault or other burial structure as described in section 1342 shall be so constructed that all parts thereof may be readily examined by the Bureau of Health or any other health officer. Such crypts or catacombs, when used for the permanent interment of a deceased body or bodies, shall be so hermetically sealed that no offensive odor or effluvia may escape therefrom.

§1344. Supervisory control of health authorities

The Bureau of Health shall have supervisory control over the erection of any such community mausoleum and shall enforce compliance with the approved plans and specifications therefor. Such bureau shall determine the reasonable amount of compensation for such supervision, which compensation shall be paid by the cemetery association or other agency erecting such community mausoleum. No departure from the original plans and specifications shall be permitted, except upon approval of the said Bureau of Health evidenced in like manner and form as the approval of the original plans and specifications.

§1345. No use before completion

No community mausoleum, crypt or structure so erected shall be used for the purpose of depositing therein the remains of any dead body until the same, or a component section thereof, is fully completed and the permanent care and improvement fund required by section 1348 has been provided.

§1346. No sale before completion

No crypt in a community mausoleum shall be sold or offered for sale before said structure, or a component section thereof, is fully completed.

§1347. Improper conditions; removal of bodies

Whenever any mausoleum, vault, crypt or other structure containing one or more dead human bodies shall, in the opinion of the Bureau of Health, become a menace to public health and the owner

thereof fails to remedy or remove the same to the satisfaction of the said bureau, any court of competent jurisdiction may order the owner of said structure to remove the dead body or bodies for interment in some suitable cemetery at the expense of such owner. If such owner cannot be found, such removal and interment shall be at the expense of the cemetery association in the cemetery in which such mausoleum, vault, crypt or other structure is situated.

§1348. Permanent care and improvement fund

Every cemetery association or other agency establishing, maintaining and operating a community mausoleum shall create and establish a permanent care and improvement fund, distinct and separate from the permanent care and improvement fund of its cemetery, the income whereof shall be devoted to the care, maintenance and improvement of such community mausoleum. Such permanent care and improvement fund shall be created by applying to such fund at least 30% of the proceeds received, in full and installments, from the sales of crypts in such mausoleum.

§1349. -- custodian

The treasurer of the cemetery in which such community mausoleum is situated shall be the custodian of the permanent care and improvement fund established therefor in section 1348 and every such fund shall be held, administered and invested in the manner provided by law for funds in savings banks of this State.

SUBCHAPTER 5

PROTECTION AND PRESERVATION

§1371. Approval for repair, maintenance and removal

1. Prior authorization or approval for repair, maintenance or removal. Any person may repair, maintain or remove, subject to the restrictions of subsection 2 or 3, any tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure for the burial of the dead, after obtaining written approval of the owner or operator of the cemetery or burial ground, if an owner or operator exists, and one of the following, in the following order of priority.

A. The person must first seek the authorization of the owner of the burial lot or a lineal descendant of the deceased buried there, if the owner or a lineal descendant is reasonable to locate and notify. [PL 2015, c. 294, §1 (AMD).]

A-1. If an owner or lineal descendant listed in paragraph A cannot reasonably be located and notified, the person shall seek the authorization of a next of kin, if reasonable to locate and notify, of the deceased buried there. [PL 2015, c. 294, §1 (NEW).]

B. If none of the persons listed in paragraph A or A-1 can reasonably be located and notified, the person shall obtain the written approval of the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located. [PL 2015, c. 294, §1 (AMD).]
[PL 2015, c. 294, §1 (AMD).]

2. Conditions on removal for repair, restoration or preservation. Removal of a tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or a portion or fragment of a memorial, is permitted only for the purpose of preservation. A tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or a portion or fragment of a memorial, may not be removed from the confines of the cemetery or burial ground, except that a person who has obtained authorization or approval described in subsection 1 may remove all or a portion of a memorial for a period of no longer than 6 months for the purpose of repair, restoration or preservation, but only when repair, restoration or preservation can not reasonably be

accomplished on the site of the cemetery or burial ground. Prior to removal of the memorial, a notice must be submitted to the municipality, or to the county in the case of unorganized territory, stating the location of the burial ground, the identification of the memorial, the authority requesting the removal, the site to which the memorial will be temporarily removed, the proposed date of removal and the proposed date of replacement in the burial ground.
[PL 2015, c. 294, §1 (AMD).]

3. Permanent removal of memorial. If a tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead is in such poor condition that it cannot be preserved in its original location, that memorial may be removed by a person who has obtained authorization or approval described in subsection 1 to another location accessible to the public. Prior to removal of the memorial, a notice must be submitted to the municipality, or to the county in the case of a memorial in unorganized territory, stating the location and identification of the memorial, the authority requesting the removal and the site to which the memorial will be moved and providing documentation of the reason the memorial cannot be preserved in its original location.

When possible, a replacement or replica of the removed memorial must be placed in the original location along with information as to the location of the original memorial. If such placement is not possible, a sign must be placed recording the new location of the memorial.
[PL 2015, c. 294, §1 (NEW).]

All costs associated with actions taken pursuant to this section must be paid by the person or entity that requests the repair, maintenance or removal of a tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure in the burial lot or cemetery. [PL 2015, c. 294, §1 (NEW).]

The owner, operator or caretaker of a burial lot or a cemetery association that authorizes removal of a memorial pursuant to this section is not responsible or liable for the location or care of the memorial. [PL 2015, c. 294, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 326, §1 (NEW). PL 1997, c. 193, §1 (AMD). PL 2015, c. 294, §1 (AMD).

§1371-A. Limitations on construction and excavation near burial sites

1. Known burial sites. Construction or excavation near a known burial site or within the boundaries of an established cemetery must comply with any applicable land use ordinance concerning burial sites or established cemeteries, whether or not the burial site or established cemetery is properly recorded in the deed to the property. In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established cemetery, whichever is the greater, whether or not the burial site or established cemetery is properly recorded in the deed to the property, except:

A. When the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies; or [RR 2009, c. 2, §27 (COR).]

B. When necessary for the construction of a public improvement, as approved by the governing body of a municipality or, in the case of a state highway, by the Commissioner of Transportation. [RR 2009, c. 2, §28 (COR).]

C. [PL 2009, c. 310, §1 (NEW); MRSA T. 13 §1371-A, sub-§1, ¶C (RP).]

A municipality may enforce this subsection or any local ordinance concerning burial sites or established cemeteries pursuant to Title 30-A, section 4452, including the assessment of civil penalties.

In the event of any violation of this subsection, the Attorney General may seek to enjoin a further violation, in addition to any other remedy.

[RR 2009, c. 2, §§27, 28 (COR).]

2. Undocumented burial site. The following procedures apply to construction or excavation that threatens an undocumented or unmarked burial site.

A. Whenever any person has knowledge that excavation or other construction activity may disturb or is disturbing a burial site, that person shall notify the local code enforcement officer by providing an affidavit and any other evidence of the location of the burial site. [PL 1991, c. 412, §2 (NEW).]

B. Upon receipt of proper notification, the code enforcement officer shall issue a stop-work order to the person or entity responsible for the activity that threatens to disturb the burial site. [PL 1991, c. 412, §2 (NEW).]

C. Before the construction activity may continue, the excavator or person who owns the land shall notify the Director of the Maine Historic Preservation Commission and the president of any local historical society of the probable location of the burial site. The excavator or the person who owns the land shall also arrange, at that person's own expense, for appropriate investigation to determine the existence and location of graves. [PL 1991, c. 412, §2 (NEW).]

D. When the investigation is complete, if no human remains are discovered, the person responsible for the investigation shall notify the code enforcement officer of the results and the code enforcement officer shall revoke the stop-work order if satisfied that the investigation is complete and accurate. [PL 1991, c. 412, §2 (NEW).]

E. If a burial site is discovered, excavation or construction may not continue except in accordance with subsection 1 and other applicable provisions of state law. [PL 1991, c. 412, §2 (NEW).]

[PL 1991, c. 412, §2 (NEW).]

3. Application. This section applies only to burial sites and established cemeteries containing the bodies of humans.

[PL 2007, c. 112, §3 (AMD).]

SECTION HISTORY

PL 1991, c. 412, §2 (NEW). PL 2007, c. 112, §§2, 3 (AMD). PL 2009, c. 310, §1 (AMD). RR 2009, c. 2, §§27, 28 (COR).

§1372. Inventories of cemeteries or burial grounds

A municipality or, in the case of unorganized territory, a county may contract with a cemetery association or historical society to undertake, complete and keep current an inventory of cemeteries and burial grounds located in that municipality or county. [PL 1987, c. 326, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 326, §1 (NEW).

§1373. Authority to maintain

A municipality may authorize any cemetery association or historical society to maintain any cemetery or burial ground owned, maintained or operated by the municipality. [PL 1987, c. 326, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 326, §1 (NEW).

§1374. Maine State Cemetery Preservation Commission

The Maine State Cemetery Preservation Commission, established by Title 5, section 12004-J, subsection 21 and referred to in this section as "the commission," is an independent commission created

to provide advice and education to local units of government and members of the public on preserving cemeteries and burying grounds. [PL 2023, c. 677, §3 (AMD).]

1. Members. The commission has the following 10 members:

A. Two members representing a statewide association dedicated to the preservation of neglected cemeteries, appointed by its board of directors; [PL 2021, c. 584, §2 (NEW).]

B. Two members representing a statewide association of cemetery directors and supervisors, appointed by its board of directors; [PL 2021, c. 584, §2 (NEW).]

C. One member representing a statewide association representing municipalities, appointed by its board of directors; [PL 2021, c. 584, §2 (NEW).]

D. One member representing a statewide association of town clerks, appointed by its board of directors; [PL 2021, c. 584, §2 (NEW).]

E. One member representing a statewide association of funeral directors, appointed by its board of directors; [PL 2021, c. 584, §2 (NEW).]

F. The Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, or the director's designee; [PL 2021, c. 584, §2 (NEW).]

G. One member representing a statewide association of real estate brokers, appointed by its board of directors; and [PL 2021, c. 584, §2 (NEW).]

H. One member representing a statewide historical society, appointed by its board of directors. [PL 2021, c. 584, §2 (NEW).]

[PL 2023, c. 677, §3 (AMD).]

2. Optional member. The tribal governments of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation may jointly appoint as a member of the commission an individual who is a member of a federally recognized Indian nation, tribe or band in the State.
[PL 2023, c. 677, §3 (AMD).]

3. Duties. The commission shall:

A. Advise and educate municipalities and property owners about the existence of burying grounds and cemeteries and the laws applicable to burying grounds and cemeteries; [PL 2021, c. 584, §2 (NEW).]

B. Advise and educate municipalities, property owners and owners of burying grounds and cemeteries on the proper care and preservation of graves, gravestones, walls and fences in and around burying grounds and cemeteries; [PL 2023, c. 677, §3 (AMD).]

C. Review statutes applicable to burying grounds and cemeteries and provide information to the Legislature on recommended changes; [PL 2023, c. 677, §3 (AMD).]

D. Investigate violations of the laws governing burying grounds and cemeteries reported to the commission. The commission shall refer information relating to the investigations and recommendations for action on the violations to the appropriate municipal official or enforcement authority; [PL 2023, c. 677, §3 (NEW).]

E. Create a page on the State's publicly accessible website that provides information related to the commission's duties and powers; and [PL 2023, c. 677, §3 (NEW).]

F. Prepare educational materials, which may include links to websites relating to the laws governing burying grounds and cemeteries, for distribution to municipalities and to officers of associations that have representatives on the commission for distribution to their members. [PL 2023, c. 677, §3 (NEW).]

[PL 2023, c. 677, §3 (AMD).]

4. Bureau's duties.
[PL 2023, c. 677, §3 (RP).]

4-A. Meetings. The commission shall meet not less than 6 times per year at the call of the chair or by request of a majority of members.
[PL 2023, c. 677, §3 (NEW).]

5. Bylaws. The commission shall adopt bylaws that provide for matters such as the regulation and management of the affairs of the commission, the terms of office, the method for selecting a chair and the method for filling a vacancy on the commission. The bylaws may be amended at any time by the affirmative vote of a majority of members.
[PL 2023, c. 677, §3 (AMD).]

6. Executive director; staff; duties. The commission may select an individual to serve as the executive director of the commission. The executive director may hire appropriate staff to assist in carrying out the duties of the commission.
[PL 2023, c. 677, §3 (NEW).]

7. Cemetery Preservation Commission Fund. The Cemetery Preservation Commission Fund, referred to in this section as "the fund," is established as a nonlapsing account into which is deposited, on a quarterly basis, $5 of the fee established by the Department of Health and Human Services for a permit to transport and dispose of a dead human body. The commission may use the money in the fund to carry out its duties.
[PL 2023, c. 677, §3 (NEW).]

8. Budget. The commission shall create a budget on an annual basis that includes its estimate of expenditures and appropriations necessary to enable the commission to perform its duties.
[PL 2023, c. 677, §3 (NEW).]

9. Funding. The commission is authorized to receive funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this section.
[PL 2023, c. 677, §3 (NEW).]

10. Report. By December 15th of each year, the commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters. The report must include the commission's budget from the preceding fiscal year, an accounting of all income received and expenditures made by the commission, details on the work performed by the commission and the number of staff employed by the commission in the preceding 12-month period.
[PL 2023, c. 677, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 584, §2 (NEW). PL 2023, c. 369, Pt. A, §4 (REV). PL 2023, c. 369, Pt. A, §5 (AFF). PL 2023, c. 677, §3 (AMD).

SUBCHAPTER 6

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. [PL 1987, c. 579 (NEW).]

SECTION HISTORY

PL 1987, c. 579 (NEW).

§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. [PL 1987, c. 579 (NEW).]

SECTION HISTORY

PL 1987, c. 579 (NEW).

§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.
[PL 1987, c. 579 (NEW).]

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 [PL 1987, c. 579 (NEW).]

B. Pay for the permanent care and maintenance of the cemetery lot, or portion of the lot, containing the unoccupied interment spaces. [PL 1987, c. 579 (NEW).]

[PL 1987, c. 579 (NEW).]

SECTION HISTORY

PL 1987, c. 579 (NEW).

§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 is the preferred method. If that is not reasonably possible, personal service in the same manner must be considered on the heirs or devisees. If that is not reasonably possible, the notice must 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 the record owner's whereabouts are unknown, the notice must 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, notice of the forfeiture must be given by one publication in the official newspaper of the county in which the cemetery is located. In addition, the notice must be recorded in the registry of deeds in the county where the cemetery lot is located. [RR 2025, c. 1, Pt. E, §6 (COR).]

SECTION HISTORY

PL 1987, c. 579 (NEW). RR 2025, c. 1, Pt. E, §6 (COR).

§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. [PL 1987, c. 579 (NEW).]

SECTION HISTORY

PL 1987, c. 579 (NEW).

§1386. Applicability

This subchapter does not apply to any cemetery lot containing interment spaces for which permanent care and maintenance has been provided. [PL 1987, c. 579 (NEW).]

This subchapter does not apply to any cemetery of less than 1/2 of an acre. [PL 1987, c. 579 (NEW).]

SECTION HISTORY

PL 1987, c. 579 (NEW).

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