

# MAINE STATE LEGISLATURE

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L.D. 1054

Date: 1/31/20

(Filing No. H-669)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 777, L.D. 1054, Bill, "An Act To Clarify the Use of Burying Grounds and Family Burying Grounds"

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend the Laws Regarding Ancient Burying Grounds'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 13 MRSA §1101, sub-§1**, as amended by PL 2013, c. 524, §1, is further amended to read:

**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.

**Sec. 2. 13 MRSA §1101-A, sub-§1**, as enacted by PL 1999, c. 700, §2, is repealed and the following enacted in its place:

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

**COMMITTEE AMENDMENT**

1 A. Members of the family or families that established the cemetery, their  
2 descendants or others as chosen by the members of the family or families that  
3 established the cemetery; or

4 B. Persons or a group of persons as specified by the persons or group of persons that  
5 established the cemetery.

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

8 **Sec. 3. 13 MRSA §1101-B, sub-§3** is enacted to read:

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

11 A. Records of the register of deeds;

12 B. Property deeds;

13 C. Manuscripts or published records of the history of a county or municipality;

14 D. Records of a municipality; or

15 E. Historical or current maps.

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

19 A lack of apparent marked boundaries of an ancient burying ground may not disprove the  
20 existence of an ancient burying ground.

21 **Sec. 4. 13 MRSA §1101-D**, as enacted by PL 1999, c. 700, §2, is amended to  
22 read:

23 **§1101-D. Unorganized townships**

24 If an ancient burying ground or a public burying ground as described in section 1101  
25 is located in an unorganized township, the county in which the township is located is  
26 subject to sections 1101, 1101-B and 1101-C except that the county is not required to  
27 designate a caretaker by a writing as required in section 1101, subsection 1.'

28 **SUMMARY**

29 This amendment replaces the bill. It adds descendants of veterans buried in ancient  
30 burying grounds within the municipalities to the list of entities and persons with whom a  
31 municipality collaborates when keeping veterans' graves in ancient burying grounds in  
32 good condition. This amendment clarifies that a municipally designated caretaker, but  
33 not a caretaker designated by a county, must be designated pursuant to a writing signed  
34 by the municipal officers. This amendment changes the definition of "ancient burying  
35 ground." This amendment permits the existence of an ancient burying ground to be  
36 documented through a variety of papers or through physical evidence.