

# MAINE STATE LEGISLATURE

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# **STAKEHOLDER GROUP FOR THE DEVELOPMENT OF A PLAN FOR THE INVENTORY AND PROPER CARE OF VETERANS' GRAVES**



## **REPORT TO THE JOINT STANDING COMMITTEES on VETERANS AND LEGAL AFFAIRS and STATE AND LOCAL GOVERNMENT**

### **Members:**

Peter Ogden, Director, Bureau of Maine Veterans' Services  
David Richmond, Maine Veterans Memorial Cemetery System  
Kelley Wynne, American Veterans (AMVETS) and Maine Veterans Coordinating Committee  
Richard Graves, American Legion  
Andre Dumas, Veterans of Foreign Wars (VFW)  
Kate Dufour, Maine Municipal Association  
Debbie Grover, President, Maine Cemetery Association  
Terry Knowles, Country Representative  
Ron Rivard, Town of Shapleigh  
Helen Shaw, President of the Maine Genealogical Society and Legislative Liaison for Maine Old Cemetery Association  
Cheryl Patten, President, Maine Old Cemetery Association  
Raymond Parent, Town of Sanford and Southern Maine Veterans Cemetery Association

## **Executive Summary**

The Bureau of Veterans Services was charged to establish a stakeholder group of interested parties for the development of a plan for the inventory and proper care of veterans' graves. In carrying out this charge the Stakeholder Group reviewed and assessed the State's pertinent laws that direct the inventory and care of veterans' graves in the State of Maine. The Group then prepared this report that addresses the current status of inventorying veterans' graves and maintaining these graves within the more than 7,500 cemeteries in the state. The Group reviewed the obligation to inventory and maintain veterans' graves, balanced against the municipality's ability to fund the maintenance of the cemeteries. Based on these findings, the Stakeholder Group makes the following recommendations:

- **Adopt a uniform maintenance standard for veterans' graves**
- **Adopt a uniform minimum standard for the inventory/recording of veterans' graves**
- **Clarify the fine assessment, collection and disbursement of fines for veterans' graves not properly maintained**
- **Establish an education campaign on:**
  - Proper care for veterans' graves**
  - Standardized inventory/recording of veterans graves**
  - Ordering VA headstones/medallions**

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## 1. Background:

a. The State has a proud tradition of caring for its veterans especially those that have answered the last call. This recognition of their service and sacrifice has been accomplished through state statutes that direct that their graves are “suitably” maintained and are marked with a small American Flag on Memorial Day. While statutes direct “suitable” maintenance, the definition of “suitable” is not defined and leaves much confusion. Also, confusion lies within the municipalities about their responsibility over cemetery corporations within their jurisdiction.

b. Veterans’ organizations, veterans’ families, and members of the public have been concerned for years that many counties, municipalities/towns, and or cemetery associations have not been meeting their perceived standard of care. It is clear from the testimony and members of the stakeholder group comments about local cemeteries in their home towns that many veterans’ graves are not being taken care of as the legislature intended or LD 1630 would not have been necessary.

c. The State Legislature gave the responsibility to the municipalities/counties to maintain veterans’ graves within their jurisdiction without any monetary support from the state. What the Legislature gave was the authority (unfunded mandate) in law to raise taxes to pay for the maintenance costs.

d. While state statutes do not require the inventorying of veterans graves they do indicate that a county/municipality may contract for the inventorying. Also statutes require that each grave will be marked on Memorial Day with an American Flag. This would imply that the town must know where every veteran is buried to meet the intent of the law.

## 2. Current State Statutes:

a. Title 13, Chapter 83, Cemetery Corporations: §1101. Maintenance and repairs; municipality: *In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary soldiers or sailors or veterans of the Armed Forces of the United State of America who served in any war are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year.*

b. Title 13, Chapter 83, Cemetery Corporations: 13 §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.*

c. Title 13, Chapter 83, Cemetery Corporations: 13 §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.*

d. Title 13: Part 2: Corporations Without Capitol, Chapter 83: Cemetery Corporations, Subchapter 3: Public Cemeteries: §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.*

e. Title 13: Part 2: Corporations Without Capitol, Chapter 83: Cemetery Corporations, Subchapter 5: Protection and Preservation.

(1) 13 §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.

(2) 13 §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.

f. Title 30-A, Municipalities and Counties, Chapter 131, History and Observances §2901. *Decoration of veterans' graves on Memorial Day; Decoration of veterans' graves. Each municipality, as directed by its municipal officers, annually shall decorate on the day Memorial Day is observed the graves of veterans of the Armed Forces of the United States of America with an American flag and appropriate flag holders.*

g. Title 30-A, Municipalities and Counties, Chapter 223, Municipal Finances, Public Works §5723. *Public works: A municipality may raise or appropriate money to: Cemeteries. Provide for public cemeteries; maintain private cemeteries established before 1880; care for graves of veterans and maintain fences around cemeteries in which veterans are buried;*

### **3. LD 1630 An Act To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves:**

a. LD 1630 An Act To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves, was submitted to the Second Session of the 125<sup>th</sup> Legislature on February 8, 2012 by Senate President Kevin Raye on behalf of concerned citizens. LD 1630 became law as a Resolve when it was signed, by Governor Paul R. LePage on March 16, 2012.

b. *Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves*

*Sec. 1 Creation of stakeholder group; membership. Resolved: That, within its existing resources, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services shall establish a stakeholder group, referred to in this resolve as "the stakeholder group," for the development of a plan for the inventory and proper care of veterans' graves. The bureau shall invite the participation of representatives of municipal government, county government, genealogy groups and veterans' organizations; a designee of the Maine Old Cemetery Association and a designee of the Maine Cemetery Association; and interested members of the public; and be it further*

*Sec. 2 Duties. Resolved: That the stakeholder group shall review the status of the graves of all veterans of the United States Armed Forces throughout the State. The stakeholder group is not required to consider veterans' graves in private cemeteries unless they are considered ancient burying grounds subject to care and maintenance by a town or county as prescribed by the Maine Revised Statutes, Title 13, sections 1101 to 1102. The stakeholder group shall issue a report that makes recommendations to ensure that veterans' graves are properly cared for, especially those of veterans who no longer have family members who are able to monitor and maintain those graves; and be it further*

*Sec. 3 Report. Resolved: That, no later than January 15, 2013, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services shall report the stakeholder group's findings and recommendations and any suggested legislation to the joint standing committees of the Legislature having jurisdiction over veterans matters and state and local government matters.*

**4. Stakeholder Group Mission Statement:**

a. The Bureau of Veterans Services was charged to establish a Stakeholder Group of interested parties for the development of a plan for the inventory and proper care of veterans' graves.

b. Mission Statement:

(1) The Stakeholder Group will review and assess the cemeteries outlined in state statutes that have veterans buried in them to ensure they meet the requirements for "suitable" maintenance. The group cannot review all cemeteries where veterans are buried due to time and funding constraints. The Group will review a sampling of the cemeteries that are maintained by municipalities, associations and private owners.

(2) The Group will review the process of how veterans' graves are identified (inventoried) in these same cemeteries to see if they are being identified as a veteran, what information is being collected and how it is compiled. As a minimum the Stakeholder Group will review the following in developing the report.

(a) Requirements according to State Laws

(b) Current/past practices

- (c ) What has been done in the past to correct problem
- (d) Current veteran population projections
- (e) National Cemetery appearance standards

c. Members: Below are the representatives to the Stakeholder Group:

Peter Ogden, Director, Bureau of Maine Veterans' Services  
 David Richmond, Maine Veterans Memorial Cemetery System  
 Kelley Wynne, American Veterans (AMVETS) and Maine Veterans Coordinating Committee  
 Richard Graves, American Legion  
 Andre Dumas, Veterans of Foreign Wars (VFW)  
 Kate Dufour, Maine Municipal Association  
 Debbie Grover, President, Maine Cemetery Association  
 Terry Knowles, Country Representative  
 Ron Rivard, Town of Shapleigh, Maine Veterans' Cemetery Association  
 Helen Shaw, President of the Maine Genealogical Society and Legislative Liaison for Maine Old Cemetery Association  
 Cheryl Patten, President, Maine Old Cemetery Association

d. The Stakeholder Group shall submit a report, not later than January 15, 2013, that includes its findings and recommendations, including suggested legislation, to the Governor and Joint Standing Committees on Veterans and Legal and Veterans Affairs and State and Local Government for consideration in the Second Regular Session of the 126<sup>th</sup> Legislature.

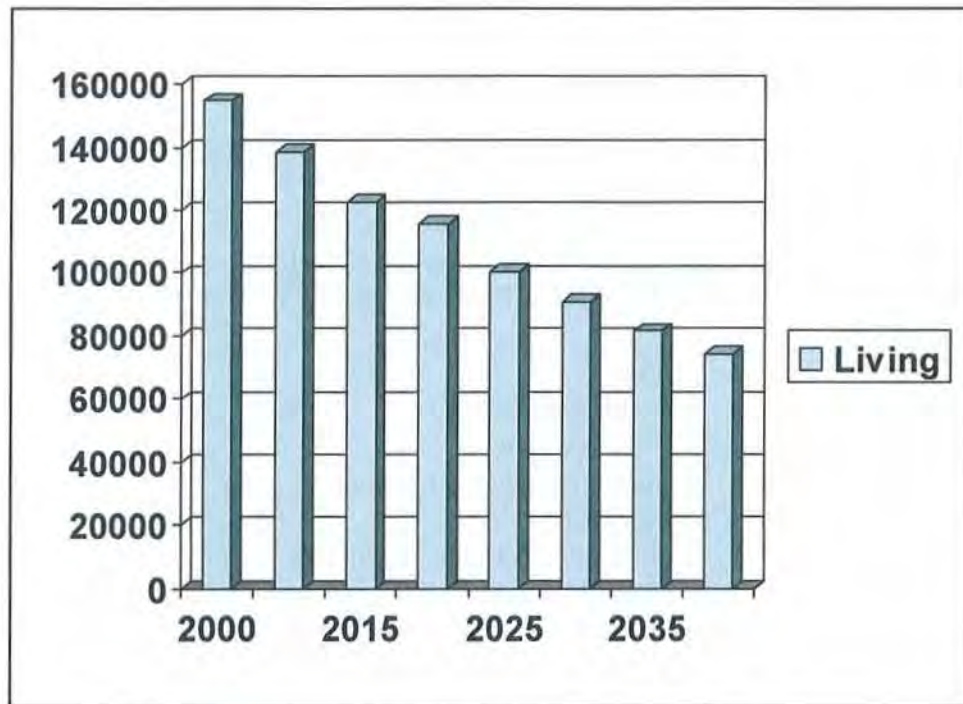
**5. Maine's Veteran Population:**

a. Living Veterans: In 2000, Maine had the highest per capita veteran population in the nation and still ranks as number three today. These projections of Maine's veteran population are based on the Veterans Administration's VetPop 2007 demographics program and do not take into account the current war or any future conflicts, currently serving National Guard personnel, and military retirees. The list below shows where Maine's 130,196 veterans live by County as of September 30, 2012 by county.

Androscoggin	10,345	Oxford	6,077
Aroostook	7,724	Penobscot	14,902
Cumberland	23,036	Piscataquis	2,122
Franklin	2,913	Sagadahoc	4,296
Hancock	5,885	Somerset	4,998
Kennebec	12,527	Waldo	3,715
Knox	4,160	Washington	3,776
Lincoln	3,858	York	19,429

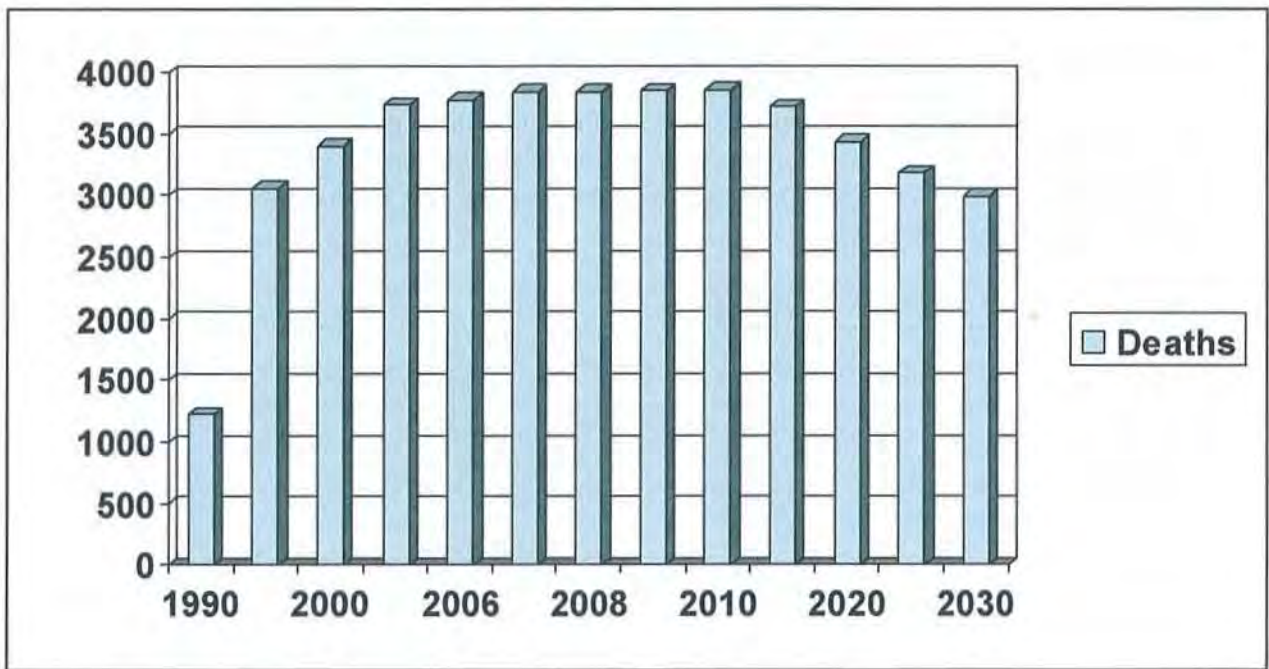


### Projection of Maine Veteran Population



b. Veterans Deaths: These projections are based on the Veterans Administration's VetPop 2007 demographics program and do not take into account the current war, future conflicts, National Guard members or military retirees.

### Projection of Maine Veteran Deaths



## 6. National Veterans Cemetery Standards:

a. Full language on Maine Veterans' Memorial Cemetery System (National Cemetery) Standards can be found in Annex C.

b. Below is a matrix of the major National Cemetery standards that State Veterans Cemeteries are required to meet.

National Cemetery Standard	Goal
Height of grass (2 ½ to 3 ½ inches)	Turf uniform green, 95 % of area covered in turf, 90% of turf weed free, turf trimmed around headstone
Headstones	98% of headstones are in proper alignment and proper height, free of objectionable accumulations, inscriptions are visible and legible, damaged headstones are repaired or replaced
Trees and Shrubs	Pruned and maintained in healthy condition, flowerbeds contain healthy plants and properly weeded
Woodlands	Fallen frees and branches are removed and undergrowth is controlled
Water Features (ponds/streams)	Vegetation on banks trimmed, no aquatic plants/algae or floating debris
Facilities	Neat, clean and properly maintained

## 7. Perpetual Care of the Cemeteries:

a. The hallmark of most veterans' cemeteries is the orderliness and uniformity of their headstones. This particularly true for the United States and the British Commonwealth, the only two nations in the world that provide perpetual care for the individual graves of their honored dead in collective burial grounds (veterans' cemeteries). This practice of honoring the individual resting places of our state and country's heroes brings with it the major responsibility of keeping not only the grave of each individual interred there but also keeping the cemetery itself in meticulous good order.

### (1) Veterans Grave:

- Mow the grass
- Trim around headstone
- Level/reset headstone as necessary
- Weed control as necessary
- Fill in depressions/settlements
- Maintain crypts/niches

### (2) Cemetery:

- Maintain Buildings/fixtures (i.e. carillon, Avenue of Flags)
- Maintain grounds other than burial plots
- Maintain trees/shrubs/flower gardens
- Maintain roads and sidewalks (paving as necessary)
- Maintaining/replacing equipment used to maintain cemetery

(3) Incidental:

- Maintaining access to cemetery both summer and winter
- Maintain information base for families

(4) The Veterans Administration provides two basic types of markers, upright and flat.

(a) Upright Markers: These headstones are 42 inches long, 13 inches wide and 4 inches thick. Weight is approximately 230 pounds. Variations may occur in stone color, and the marble may contain light to moderate veining. (*Shown is the Upright Marble*)



(b) Flat Markers: The flat granite and flat marble grave marker is 24 inches long, 12 inches wide and 4 inches thick. Weight is approximately 130 pounds. Variations may occur in stone color; the marble may contain light to moderate veining. (*Shown is the Flat Granite*)



(c) Headstone maintenance: The maintenance of all headstones/markers include periodic cleaning, resetting and realignment, minor damage repair, and replacement when major damage occurs. Cleaning frequency is determined by marker material, local weather, location of stone, and other environmental factors. Resetting and realignment costs vary principally because of soil and frost conditions. The nature of the soil in the cemeteries makes them susceptible to frost movement and the markers sink in or rise up yearly.

(d) The above headstone (*pg. 15, Honolulu, HI*) shows what flat headstones look like when they are not maintained properly.

## 8. Current Assessment of the Inventory and care of veterans' graves.

### a. Inventory of veterans graves:

(1) While there is little consistency in how veterans' graves are recorded/identified there are many resources available that provide data on veterans graves such as: cards & photos of veterans' graves at the State Archives (WPA project), the MOCA card & microfilm files, card indexes and some computer databases kept by municipalities, card and computer databases kept by lineage societies based on military service for a specific war and by some veterans organizations, and published transcriptions & histories of cemeteries.

(2) Appendix 7 has some examples of inventories of veterans' grave.

(a) The first example was done between 1939 and 1943 as part of a WPA project. The project had two parts: a plan of the cemetery by plot with a code to indicate what war period the veteran served in and the second part was a card that listed the information on the veteran. This list is maintained by the Maine State Archives.

(b) The second example is a spreadsheet listing of veterans and others buried in old cemeteries. This list was developed and maintained by the Maine Old Cemetery Association.

(c) The third example is a recently completed project that uses a GIS based program for the inventory of graves in the Fairmont Cemetery in Presque Isle. The project was completed by USM Presque Isle under a grant.

(3) A veteran buried in a State Veterans' Cemetery, National Veterans' Cemetery or any private cemetery after 1999 is automatically listed on the nation-wide grave locator maintained by the VA's National Cemetery Administration when a VA headstone, marker or medallion is ordered.

### b. Care of the grave.

(1) State statutes specify that the all veterans' graves shall be "kept in good condition and repair" and grass suitably cut and trimmed from May 1<sup>st</sup> to September 30<sup>th</sup> of each year."

(2) Not all municipalities and counties are in compliance with the requirements set forth in law. It is obvious that using terms such as "good condition and repair" and "suitably cut and trimmed" leaves too much room for interpretation of those terms and thus no "standard" of care for veterans' graves. Not having a more defined standard of care also leaves room for different perceptions of what the standard should be such as "should be maintained like Arlington."

(3) Municipalities/counties are reluctant to raise taxes to properly maintain all veterans' graves as they see the requirement as an unfunded mandate.

(4) There is confusion on the whether the municipality has oversight of private cemeteries (i.e. church cemeteries) and cemeteries operated by associations as corporations. Their relationship to/with the municipality and their responsibility for the cemetery(ies) under their care needs to be clarified. Does the municipality have ultimate oversight of a cemetery controlled by a church or corporation? Which entity can be fined if veterans' graves in such cemeteries are not properly maintained? Does a church or corporation fall under that part of the statutes that say if the private property owner does not allow the municipality into the cemetery then the municipality must take over care?

c. Current laws are inadequate to ensure veterans graves are cared for properly.

- (1) While the statute provides for a fine of \$100.00 there is confusion on whether the fine is per offense or per grave.
- (2) If the fine is \$100.00 per offense it is not worth the cost to prosecute.
- (3) It is also unclear who will prosecute the case in the court system, i.e. District Attorney.
- (4) It is also unclear who the fine will be paid to and what the fine will be used for.
- (5) Past letters to Attorney General indicate that previous attempts to correct the problem have not worked.

**9. Recommendations:** The Stakeholder Group strived to develop recommendations that would improve the care and inventory of veterans' graves without placing excessive financial burdens on those who are responsible for the care of veterans' graves.

a. Adopt a uniform maintenance standard for veterans' graves located in private or municipal cemeteries: The following is guidance is general in nature. Good condition and repair is defined as:

- (1) *Sunken graves will be regraded when they are at a maximum of 3 inches below surrounding ground to match the surrounding ground level.*
- (2) *Headstones, monuments, or markers designating the burial place will be set at proper height and orientation both vertically and horizontally; the inscriptions are to be visible and legible.*
- (3) *Turf and ground cover:*
  - (a) *Grass in burial place is maintained at a height of 1.5 to 2.5 inches and optimally no more than 3 inches. Grass is trimmed around headstones and other monuments and markers. Turf does not encroach on flat grave markers and is kept free of debris such as fallen branches and trash.*

*(b) At woodland and natural growth burial places fallen trees and branches will be cleared on a regular basis; clinging vines will be controlled so that burial site is not overcome.*

b. Clarify the fine assessment, collection and disbursement for veterans graves not properly maintained. This topic was the most contested item of discussion with the stakeholder group divided on the recommendations.

(1) The majority of the group did not want to change the language in MRSA 13 §1101-C, Notice of Responsibility, as it may force to the municipalities/counties to raise taxes.

(2) The minority felt that without increasing the fine and clarifying the responsibilities there would be no “teeth” in the law to ensure that veterans’ graves are maintained as the Legislature intended when they put the requirement to maintain in law. Minority recommended changes are:

*(a) The fine will be \$100.00 per veteran grave not kept in “good condition and repair” with a maximum fine of \$2,500.00.*

*(b) The local District Attorney is responsible for prosecuting violations of the law*

*(c) Establish a fund at state level where fines will be paid and where donations for maintenance of veterans’ grave can be collected. Funds from this account would be distributed as needed to maintain veterans’ graves in accordance with state law.*

*(d) Clarify that municipalities/counties have direct or oversight responsibility to ensure all veterans grave are maintained within their jurisdiction.*

(3) Because any changes to current statutes that increase fines would likely result in tax increases to Maine citizens the stakeholder group feels that before we can make final recommendations to the VLA and SLG committees that the committees should review the report and decide if they can support changes that would likely raise local taxes. If the committees will support changes then we would reconvene the stakeholder group over the summer and make recommendations for the second session of the 126<sup>th</sup> Legislature to consider.

c. Start an education campaign that will educate veterans’ families, veteran service organizations, funeral directors, and municipal officials on how to apply for the service medallion through the VA for veterans that have no VA marker or headstone. By applying for a medallion, marker, or headstone, the Veteran’s information and location are automatically entered into the National Gravesite Locator maintained by the VA.

(1) Provide an information paper to municipalities, counties, veterans service organizations, cemetery associations, etc. on requirements to maintain veterans’ graves

(2) Provide information paper/support for ordering VA headstones/medallions for veterans graves

(3) Provide information paper on minimum required data to be collected/recorded on veterans graves

d. Standardize the minimum information to be maintained/recorded on the veteran's service and burial location. List of data to be recorded will match data collected by National Cemetery Administration (full name, date of birth, date of death, rank, branch of service, etc.)

e. Pursue opportunities to develop a statewide searchable database of veterans' graves.

(1) Developing a master data base may seem daunting but it can be done as much of the inventorying of the veterans grave has been accomplished in the past. The challenge will be manual input of the information of the data into a database.

(2) Look for grant opportunities to fund an effort to create a searchable GIS based inventory of all known locations of veterans buried in Maine. USM Presque Isle developed a program for the Fairmont Cemetery in Presque Isle. A copy of the final report on the project is located in Appendix 7.

# Appendices:

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## Subchapter 1: GENERAL PROVISIONS

### **13 §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.

### **13 §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 shall be decently buried, entombed in a mausoleum, vault or tomb, or cremated within a reasonable time after death. The permanent disposition of such bodies or remains shall 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. The remains of a human body after cremation may be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of in any manner not contrary to law. No deposit of the bodies or remains of the human dead shall 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 air tight, 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.

### **13 §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.

### **13 §1034. JURISDICTION**

The Superior Court shall have 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 sections 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.

### **13 §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 or columbarium or to the disposal of dead human bodies commits a Class E crime except that, notwithstanding Title 17-A, section 1301, the fine may not be less than \$100 or more than \$500. [2007, c. 112, §1 (AMD).]

#### SECTION HISTORY

2007, c. 112, §1 (AMD).

### **13 §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

### 13 §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. [1975, c. 770, §75 (AMD).]

#### SECTION HISTORY

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

## Article 2: DUTIES OF TOWN OR COUNTY

### 13 §1101. MAINTENANCE AND REPAIRS; MUNICIPALITY

In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary soldiers or sailors or veterans of the Armed Forces of the United State of America who served in any war are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year. [1999, c. 700, §1 (AMD).]

#### SECTION HISTORY

1977, c. 255, §1 (AMD). 1999, c. 700, §1 (AMD).

### 13 §1101-A. DEFINITION

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

**1. Ancient burying ground.** "Ancient burying ground" means a private cemetery established before 1880.

[ 1999, c. 700, §2 (NEW) .]

**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.

[ 2003, c. 421, §1 (NEW) .]

**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.

[ 2003, c. 421, §1 (NEW) .]

#### SECTION HISTORY

1999, c. 700, §2 (NEW). 2003, c. 421, §1 (AMD).

### 13 §1101-B. ANCIENT BURYING GROUNDS

**1. Access to ancient burying grounds on privately owned land.** The owner of an ancient burying ground shall provide municipalities access necessary to perform the duties pursuant to section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide municipalities 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.

[ 1999, c. 700, §2 (NEW) .]

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

[ 1999, c. 700, §2 (NEW) .]

#### SECTION HISTORY

1999, c. 700, §2 (NEW) .

### 13 §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. [1999, c. 700, §2 (NEW) .]

#### SECTION HISTORY

1999, c. 700, §2 (NEW) .

### 13 §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. [1999, c. 700, §2 (NEW) .]

#### SECTION HISTORY

1999, c. 700, §2 (NEW) .

### 13 §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. [1999, c. 700, §2 (NEW) .]

#### SECTION HISTORY

1999, c. 700, §2 (NEW) .

### 13 §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.

**13 §1103. -- UNINCORPORATED PLACES***(REPEALED)*

## SECTION HISTORY

1983, c. 471, §1 (RP).

**Article 3: EXEMPTION FROM ATTACHMENT****13 §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.

**13 §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. [1991, c. 412, §1 (AMD).]

## SECTION HISTORY

1991, c. 412, §1 (AMD).

**13 §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****13 §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. [1981, c. 33, (AMD).]

**SECTION HISTORY**

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

**13 §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.

**13 §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. [1975, c. 431, §3 (AMD).]

**SECTION HISTORY**

1975, c. 431, §3 (AMD).

**13 §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**

**13 §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.

**13 §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.

### **13 §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. [1987, c. 737, Pt. C, §§24, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §8, 10 (AMD).]

#### SECTION HISTORY

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

### **13 §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

### **13 §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. [1987, c. 737, Pt. C, §§25, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §8, 10 (AMD).]

#### SECTION HISTORY

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

### **13 §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.

### **13 §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.

### 13 §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.

[ 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;

[1995, c. 474, §1 (NEW) .]

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

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

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

[ 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.

[ 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.

[ 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.

[ 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.

[ 1995, c. 474, §1 (NEW) .]

SECTION HISTORY

1995, c. 474, §1 (NEW) .

### 13 §1265. TANGIBLE PERSONAL PROPERTY

Upon written request and payment of any reasonable out-of-pocket expenses, a cemetery or crematory 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 or crematory. [1995, c. 474, §1 (NEW) .]

SECTION HISTORY

1995, c. 474, §1 (NEW) .

### 13 §1266. SOLICITATION OF CEMETERY OR CREMATORY SERVICES OR PROPERTY

Uninvited telephone or door-to-door solicitations for crematory or cemetery 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 or crematory 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 or crematory. [1995, c. 474, §1 (NEW) .]

SECTION HISTORY

1995, c. 474, §1 (NEW) .

### 13 §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. [2003, c. 688, Pt. B, §1 (AMD) .]

SECTION HISTORY

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

## Subchapter 3: PUBLIC CEMETERIES

### 13 §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. [1975, c. 770, §76 (AMD) .]

SECTION HISTORY

1975, c. 770, §76 (AMD) .

**13 §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.

**13 §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. [1973, c. 537, §19.]

Every such cemetery shall 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 Bureau of Health. No cemetery, community mausoleum, crematory or columbarium hereafter established shall 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 which 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.

**SECTION HISTORY**

1967, c. 502, §2 (AMD). 1973, c. 537, §19 (AMD).

**13 §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 or columbarium, or by any holding, development or subsidiary company, shall be void and of no effect. Whoever makes or attempts to make a sale or conveyance contrary to this section shall be guilty of a misdemeanor and punished as provided in section 1035.

**13 §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.

**13 §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. [1997, c. 140, §1 (NEW).]

#### SECTION HISTORY

1997, c. 140, §1 (NEW).

### Subchapter 4: MAUSOLEUMS AND VAULTS

#### 13 §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.

[ 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.

[ 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.

[ 1999, c. 620, §1 (NEW) .]

#### SECTION HISTORY

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

#### 13 §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.

#### 13 §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.

**13 §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.

**13 §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.

**13 §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.

**13 §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.

**13 §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.

**13 §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****HEADING: PL 1987, C. 326, §1 (NEW)****13 §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, 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:

A. The authorization of the owner of the burial lot or a lineal descendent of the deceased buried there, if reasonable to locate and notify; or [1987, c. 326, §1 (NEW) .]

B. The written approval of the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located. [1987, c. 326, §1 (NEW) .]

[ 1987, c. 326, §1 (NEW) .]

**2. Conditions on removal.** 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, paragraph A or B, 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 an 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.

[ 1997, c. 193, §1 (AMD) .]

#### SECTION HISTORY

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

### 13 §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 [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. [2009, c. 2, §28 (COR) .]

C. [2009, c. 310, §1 (NEW); 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.

[ 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. [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. [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. [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. [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. [1991, c. 412, §2 (NEW) .]

[ 1991, c. 412, §2 (NEW) .]

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

[ 2007, c. 112, §3 (AMD) .]

#### SECTION HISTORY

1991, c. 412, §2 (NEW). 2007, c. 112, §§2, 3 (AMD). RR 2009, c. 2, §§27, 28 (COR). 2009, c. 310, §1 (AMD). MRSA T. 13, §1371A, sub1, ¶C (AMD) .

### 13 §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. [1987, c. 326, §1 (NEW) .]

#### SECTION HISTORY

1987, c. 326, §1 (NEW) .

### 13 §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. [1987, c. 326, §1 (NEW) .]

#### SECTION HISTORY

1987, c. 326, §1 (NEW) .

## Subchapter 6: USE OF UNOCCUPIED INTERMENT SPACES HEADING: PL 1987, C. 579 (NEW)

### 13 §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. [1987, c. 579, (NEW).]

SECTION HISTORY  
1987, c. 579, (NEW).

### 13 §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. [1987, c. 579, (NEW).]

SECTION HISTORY  
1987, c. 579, (NEW).

### 13 §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.

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

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

SECTION HISTORY  
1987, c. 579, (NEW).

### 13 §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. [1987, c. 579, (NEW).]

SECTION HISTORY

1987, c. 579, (NEW) .

### 13 §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. [1987, c. 579, (NEW) .]

#### SECTION HISTORY

1987, c. 579, (NEW) .

### 13 §1386. APPLICABILITY

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

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

#### SECTION HISTORY

1987, c. 579, (NEW) .

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# Appendices:

2



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February 12, 1999

Mr. Donald Simoneau, Chairman  
American Legion  
Graves Registration Committee  
P.O. Box 253  
Livermore Falls, ME 04254

Dear Mr. Simoneau:

I have been asked to respond to the questions raised in your letter to David Lauren, A.A.G., dated January 18, 1999.

First, the proposed amendments to 13 M.R.S.A. § 1101 clarify the penalty that may be imposed on a municipality for its failure to properly maintain a cemetery. I suggest the statute be further amended, however, to identify who can enforce the statute. As § 1101 is currently written it would have to be presumed that enforcement may be by any aggrieved party, such as relatives of veterans buried there or veteran's groups (American Legion, VFW, etc.). Clarification in this would be helpful. Perhaps the addition of "The penalty provisions hereunder may be enforced by any aggrieved person, including but not limited to relations of veterans buried in the cemetery, the Daughters of the American Republic or veteran's organizations such as the American Legion or VFW", would be sufficient.

You also asked whether "ancient" meant any cemetery, public or private, created before 1880. Unfortunately, I was not able to find any definition of "ancient cemetery" in the statute or in case law. The common and ordinary meaning of ancient (i.e. old, historical) would probably apply. Further, because the statute says "ancient or public burying ground" it would be presumed that ancient includes private cemeteries.

It is my understanding you want the statute to be clear that it applies to any cemetery created before 1880, whether public or private. However, my reading of the statute, as currently written, indicates it applies to any public cemetery where veterans are buried, regardless of age. You should be careful not to exclude those cemeteries. I believe the current language is sufficient.

You requested assistance in obtaining copies of all the statutes dating back to 1856. This appears to be beyond the scope of my ability to respond to your letter at this time given the amount of research that would likely be involved. If you still wish, I may be able to provide those to you, but at a later date.

Finally, you indicated a desire to include unorganized territories under this law. Please note 13 M.R.S.A. § 1103 which requires the county commissions of any county in which there is an unincorporated place to keep the cemeteries in proper condition. Section 1103 does not now carry a penalty provision. It may be possible to include a penalty provision in § 1103 similar the one in § 1101.

If you have any questions or need further assistance in this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Randlett', written over a horizontal line.

Mark A. Randlett  
Assistant Attorney General

MAR/tl

cc: David Lauren, AAG

COPY

STATE OF MAINE  
DEPARTMENT OF ATTORNEY GENERAL  
Six State House Station  
Augusta, ME 04333-0006

TO: David Lauren, Special Assistant to the Attorney General  
FROM: Mark A. Randlett, Assistant Attorney General  
DATE: January 20, 1998  
SUBJECT: Maintenance of Veterans' Graves

---

As requested, I have researched the issues raised by Mr. Donald Simoneau in his letter most recently dated January 2, 1998. Primarily, the concerns raised in that letter relate to the obligation of a municipality to maintain the grave sites of veterans. The essential statute appears to be 13 M.R.S.A. § 1101, a copy of which is attached hereto for your reference. Related statutes are also located at 30-A M.R.S.A. § 5723 and 30-A M.R.S.A. § 2901. I was unable to locate any other statute or case law particularly relevant or helpful with respect to the issue at hand.

The obligation of a town to maintain veterans' graves located within any ancient or public burying ground within its locality appears clear under 13 M.R.S.A. § 1101. What is not clear is the potential liability of the town for neglect in this regard. Section 1101 specifies a penalty not to exceed \$100. Although there is no direction as to how the penalty would be applied (i.e. per grave, per cemetery, per municipality, etc.). However, reading the statute as a whole, giving the words contained therein their plain meaning, the \$100 penalty would appear to apply per cemetery. This reading is based on the use of language in the statute indicating that "in any ancient or public burying ground in which any revolutionary soldiers or sailors or soldier or sailor who served in the United States Army, Navy or Marine Corps in any war is buried, the town in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place . . . and shall keep the grass suitably cut and trimmed on such graves during the summer season. . . Each said town shall be liable to a penalty of not more than \$100 for neglect to keep in condition and repair all such graves, headstones, monuments and markers or failing to keep the grass suitably cut and trim on said graves." (emphasis added.) The language used appears to create an individual obligation in each cemetery located within a town and, arguably, creates a separate violation for a failure to properly maintain all the graves located within each of the burial grounds. Obviously, however, the statute is fully open to interpretation and could be read to limit the penalty to \$100 total for failure to



properly maintain all graves located within the town. Unfortunately, as indicated above, there is no other statute or case law to shed any light on this interpretation. Additionally, there was no legislative history of any guidance.

The penalties outlined in Section 1101 would be enforced by civil action brought by any person aggrieved by the town's failure to properly maintain the graves. Presumably, relatives of veterans located within the cemetery or any veterans' groups (such as the American Legion, the VFW or Daughters of the American Republic), would be among those who would have standing to bring the civil action pursuant to the statute.

Please note the existence of 13 M.R.S.A. § 1102 which provides that "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 therefore". This is an oddly worded statute and there is no guidance as to what it means. Read in context with Section 1101, however, this statute could be taken to indicate that each of the town officers, selectmen, could be held individually civilly liable for the \$100 penalty, for each incident of neglect under Section 1101. Again, this is open to interpretation.

With respect to the remaining issues raised by Mr. Simoneau, it is my reading of 30-A M.R.S.A. § 5723 that municipalities are authorized to raise and appropriate money to provide for the care and maintenance of veterans' graves. This apparently enables them to carry out their obligations in 13 M.R.S.A. § 1101, though it does not, in and of itself, appear to create an obligation for the care and maintenance of those graves.

Finally, 13 M.R.S.A. § 1101 appears to extend only to ancient and public cemeteries. Therefore, the town's obligation to maintain veterans' graves located in private cemeteries would only exist if the cemetery were to fall within the definition of an "ancient" cemetery.

Hopefully this answers your questions. If you need anything in addition, please let me know.

MAR:bjw

# Appendices:

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## ANNEX E CEMETERY STANDARDS OF APPEARANCE

### **I. General:**

A. Burial in the Maine Veterans' Cemetery System is the last, and in some instances, the only benefit some Maine Veterans receive. The Department of Defense, Veterans and Emergency Management strives to ensure that the State Veterans' Cemetery System provides a dignified, worthy resting place for those who choose to be interred in one of the cemeteries. Survivors of deceased veterans deserve to be assured that the final resting place of their loved one is aesthetically pleasing and maintained in a manner befitting the sacrifices these veterans have borne in their service to our state and nation.

A. Each National/State Veterans' Cemetery exists as a shrine and as such serves as an expression of the appreciation and respect of a grateful Nation/State for the service and sacrifice of her veterans. Each National/State shrine provides enduring memorial to their service as well as a dignified and respectful setting for their final rest.

B. National/State Veteran Cemeteries carry expectations of appearance that set them apart from their civilian counterparts. The commitment of our Nation/State, as defined by law, is to create and maintain these sites as National/State shrines, transcending the provision of benefits to an individual. As National/State shrines, veterans' cemeteries serve a purpose that continues long after burials have ceased and visits of families and loved ones have ended.

C. A national/state shrine may be defined as a place of honor and memory that declares to the visitor or family member who views it that within its majestic setting each and every veteran may find a sense of serenity, historic sacrifice and nobility of purpose. Each visitor should depart feeling that the grounds, the gravesites and the environs of the veterans' cemetery are beautiful and awe-inspiring tribute to those who gave much to preserve our Nation and State's freedom and way of life.

D. This annex contains an extract from the Logistics Management Institute's Study on Improvements to Veterans' Cemetery, (VA101R3), Volume 3, and dated October 2001.

E. The following sets standards of appearance for the Maine Veterans' Memorial Cemetery System. We should strive not to just meet the standards but exceed them consistently.

**II. Headstones:** Visitor Expectations concerning headstones in veteran cemeteries are uniformly high. Therefore, meticulous attention to detail is required in this area in order for a cemetery to be judged meeting the standard.

A. Headstones are aligned in accordance with the section plan or historic pattern.

B. Headstones are set at the proper height.

C. Headstones are free of objectionable accumulations.

D. Headstones natural surfaces have been retained.

E. Headstone inscriptions are visible and legible.

F. Damaged or illegible headstones and incorrect inscriptions have been identified and taken for repair or replacement.

**III. Turf and Other Ground Cover:** Lawn and turf maintenance involves more than cutting and trimming the grass. Other aspects include filling in sunken graves; maintaining a weed-free, healthy turf; repairing equipment and erosion damage in developed areas; and repairing erosion damage in buffer and non-gravesite areas.

A. Lawn Grass Ground Cover:

1. Turf in burial and other public areas is maintained at a height of 1.5 to 2.5 inches and optimally no more than 3 inches.
2. Turf in burial and other public areas is a uniform color of green.
3. Turf in burial and other public areas is 90% weed free.
4. Turf in burial and other public areas covers at least 95% of the area.
5. Grass is trimmed around headstones and other monuments.
6. Turf does not encroach on flat grave markers.
7. Grass is trimmed on borders.
8. Turf is free of debris such as leaves, fallen branches and trash.
9. Newly seeded areas where mowing is inappropriate are clearly identified to the public by signs.
10. Grass in other than burial and other public areas is kept cut and trimmed to maintain a neat appearance and reduce the danger from fire.
11. Sunken graves are identified and measures taken to reestablish the ground level and cover.

B. Natural Vegetation Ground Cover:

1. Natural vegetation in burial and other public areas is trimmed to maintain a neat appearance.
2. Natural vegetation is trimmed around borders.
3. Natural vegetation is free of debris such as leaves, fallen branches, and trash.
4. Vegetation in areas other than burial and other public areas is controlled to maintain a good appearance and reduce the danger from fire.

C. Sand or Gravel Surfaces:

1. Sand and gravel surfaces in burial and other public areas are kept smooth and even.
2. Footprints and other markings in burial and other public areas are removed from the surface before they become unsightly or distracting.
3. Sand and gravel surfaces in the burial and other public places are kept free from "volunteer" vegetation.
4. Surfaces are free of debris such as leaves, fallen branches, and trash.

**IV. Horticulture:** Trees, shrubs, and flowers are significant in any cemetery, and effective use of horticulture is consistently found in all finest-in-the world cemeteries. Keeping plants both healthy and attractive calls for constant attention.

A. Horticultural displays, including (as appropriate for the location) trees, flowering trees, shrubs, and flower arrangements, are used to highlight the entrance, flag and assembly area, committal shelters, and administration facilities.

B. Trees and shrubs or other regional plants are used to delineate roads and burial areas and, when consistent with the overall plan, to break up the effect of uninterrupted headstones stretching toward the horizon.

C. Trees are pruned to maintain a healthy appearance and shape

D. Fallen twigs and branches are not in evidence.

E. Flowerbeds contain healthy plants and are properly weeded.

F. Where annual plants are used, they are rotated when they have finished blooming.

G. Hedges and shrubs are properly trimmed and present a neat appearance.

H. Dead flowers and other plant materials are removed.

I. There is an active and effective program for controlling insect infestations and other blights and diseases on trees, shrubs and plants.

J. Provision is made for the removal of clippings and other dead plant material.

**V. Woodlands:** Woodlands are natural growth. They generally consist of a mixture of species and, with only minimal maintenance, should be self-sustaining. Attention is required to ensure they do not encroach on open space, are safe for people, and do not pose a fire hazard.

- A. Woodlands are maintained within the boundaries prescribed by the plan and neither reduced in extent nor permitted to encroach on open space.
- B. Fallen trees and branches over 4 inches in diameter are cleared from the woods.
- C. Undergrowth is controlled to the extent necessary to keep the woods accessible to maintenance personnel and to prevent the buildup of combustible material.
- D. Clinging vines, such as poison ivy, wild grape, and kudzu, are controlled so that trees are not overcome.

**VI. Water Features:** Water features include a range of forms, such as naturally occurring streams and pond, man-made lakes, and formal ponds and fountains. All require continuing attention if they are to make a positive contribution to the appearance of the cemetery.

- A. The vegetation on natural banks of streams, ponds, and lakes is trimmed to the water's edge.
- B. Reeds and other semi-aquatic plants are controlled to minimize the still water in which insects breed.
- C. Aquatic plants and algae are not permitted to take over the water features.
- D. Floating debris is removed from water features.
- E. Fountains and other water displays are kept in operable condition.
- F. Fountains and other water displays are operated whenever weather conditions permit.

**VI. Facilities:** In most cemeteries, the entrance, road network, and visitor facilities create an overall first impression that colors the reaction to everything else on the grounds. For cemeteries located near busy highways, the condition of the street-side facilities may serve as the only impression most of the public retains.

- A. Restrooms are clean, sanitary, and supplied with soap and toilet paper. Trash is regularly removed.
- B. Structures have a clean appearance, free from any staining or moss growth.
- C. Exterior masonry surfaces directly visible to the public have no flaking paint.
- D. Areas normally away from the public have no flaking paint in area more than 1 square foot.

- E. No visible cracks, missing tile, missing shingles, or moss growth is evident on surfaces.
- F. Metal/wood surfaces (roofs/walls) have no sign of corrosion or deterioration.
- G. Windows are clean and free from cracked panes.
- H. Roads and paths are clean, safe, and in excellent repair.
- I. The surface area of parking lots is smooth, crack free and cleaned of debris.
- J. Large capacity parking lots have clearly marked parking spaces and directional signage.
- K. Gravel paths are raked and resurfaced as needed.
- L. Support elements (infrastructure, service area, etc.) are screened from public view.
- M. Reception rooms and office spaces open to the public present a comfortable, yet business like appearance.
- N. The entrance and entrance sign are carefully maintained.
- O. Signage is standard throughout the cemetery and in a style comparable with the architectural design.
- P. Signage is clear, complete and easy to read.
- Q. Hand-lettered temporary signs are not used.

**VII. Floral Tributes:** Floral tributes associated with burials and memorial flowers placed on graves (or in niches in columbaria) matter greatly to family and loved ones. The cemetery must handle these floral tributes carefully to allow timely operations for maintaining appearance without at the same time offending or unduly inconveniencing those providing the flowers. The cemetery should reasonably accommodate floral tributes and other forms of grave decoration, which are prevalent in some cultures within our society.

- A. The rules for placing real and artificial flowers and other grave decorations are prominently displayed.
- B. The times and conditions for removal of real and artificial flowers are clearly stated.
- C. Times for removal of floral tributes are not made subject to change without notice.



- D. Vases are available and accessibly throughout the cemetery.
- E. Containers for vases are well marked and in good condition.
- F. Water is either available for the vases or due notification to the contrary is prominently displayed near the entrance to the cemetery.
- G. Flower removal occurs in accordance with a schedule.
- H. Wilted, unsightly flowers are promptly removed.

**VIII. Neatness:**

- A. Trash receptacles are conveniently located throughout the cemetery.
- B. Trash receptacles present a neat appearance consistent with the architectural features of the cemetery.
- C. Trash receptacles are emptied before they are half full or stay too long in the sun.
- D. Grounds are policed for trash and other foreign objects.
- E. Tools and equipment used for grounds and other maintenance are not left unattended in public areas.
- F. Spoil areas and organic disposal areas are located where, or shielded so that, they are not visible to the visiting public.

**IX. Personnel:** Personnel are not an appearance issue per se, but the appearance of the staff, both in the offices and on the grounds, does contribute to the overall impression of the cemetery left with clients and visitors.

- A. Deceased family members and public will be treated with respect, dignity and compassion by all employees.
- B. Office staff and others responsible for dealing with the public wear the formal business attire appropriate for the location.
- C. Personnel working on the grounds present a neat and uniform appearance such that visitors can clearly identify them as cemetery staff members.

**X. Security:** Cemeteries are not much frequented at night, and many cemeteries are either at

remote locations or in declining neighborhoods. Both factors attract people who don't want their activities observed and youth bent on mischief. The nation expects cemetery-shrines to be secure, family and friends expect that individual graves will not be desecrated.

- A. Hours during which the cemetery is open to visitors are clearly posted.
- B. Federal (state) law with respect to the desecration of cemeteries is clearly posted.
- C. A suitable and tasteful barrier to deter unwanted entry and discourage mischief surrounds the cemetery.
- D. Gates, if provided, are shut at closing time.

**XI. Burial Operations:** These standards are intended to minimize the negative impact of burial operations and inurnments on families and visitors without unduly detracting from operational efficiency. They fall into the three subcategories that follow.

**A. Interments and Inurnments:** These consider both first and second interments. Active operations have trace effects on appearance, ranging from spoil to freshly dug gravesites and fresh mounds of dirt over recently covered graves to heavy equipment awaiting work and the tracks and ruts caused by such equipment moving about the premises. Active areas where large numbers of first interments take place daily are a unique feature of active Veteran cemeteries. There are few instances of similar practices in civilian or other military cemeteries. Because of the intensity of what is essentially a ground surface construction effort in these areas, the construction zone appearance is difficult, if not impossible to avoid. The standards apply to the interment of both casketed remains and cremains.

1. First Interments: The visitor should see a careful, planned progression of the section from open, working gravesites toward orderly ranks of headstones against a sea of neatly manicured turf, raked gravel, or natural local vegetation.

- a. The number of open graves is kept to a minimum.
- b. Open graves are identified and protected by guards and markers appropriate to cemetery operations, not road construction.
- c. Each day's graves are prepared on the previous day.
- d. Each day's burials are covered, initially groomed, and marked before the close of business.
- e. Each gravesite is protected to blend with adjacent grade levels.
- f. Equipment not in use is parked out of the way in an orderly manner.
- g. Outer burial receptacles awaiting installation are placed in an orderly manner.

h. The burial site has the appearance of a disciplined evolution and not of a construction site.

i. Boundaries are posted advising persons of work in progress.

j. Subsections show evidence of progress towards completion.

k. Headstones are set in groups to avoid gapping appearance in the section.

l. Sections waiting seeding or installation of turf present a neatly groomed appearance.

m. Seeding or turf installation is carried out as quickly as climate conditions permit.

n. New grave markers are set and appropriately aligned.

2. Second Interments: Second interments should have as little impact on adjoining graves as possible. When the interment is complete, no residual evidence should remain other than the fresh grave.

a. Precautions are taken to prevent heavy equipment from making any ruts in the ground when working on the gravesite.

b. Precautions are taken to minimize spoil from the graves left on adjoining graves.

c. Precautions are taken to prevent damage to adjacent headstones and markers.

d. Spoil is removed from the site or covered with a green covering while the grave is open.

e. The open grave is covered and marked in an effective but unobtrusive manner using markers appropriate to the cemetery.

f. Equipment is removed from the burial area during the period between opening the grave and completing the interment.

g. After interment and before completion of the day's work, the grave is squared, tamped, and raked, ready for application of the topsoil or sod.

h. In climates where seeding or sodding must be delayed, the grave is covered with a green all weather covering.

i. Marks left on adjacent sites are removed upon completion of the interment.

j. The new grave marker is set and appropriately aligned.

## **B. Inurnments**

1. The new grave marker is set and appropriately aligned.

2. Columbarium niche covers are removed and placed unobtrusively out of direct sight in preparation for inurnment.
3. Columbarium niche covers are replaced after the funeral urn is placed.

**XII. Committal Shelters:** In association with any given funeral, the committal shelter is the part of the cemetery that most people see and where family and friends part with the loved one before interment.

A. Committal shelters are permanent structures of an architectural design appropriate to the overall cemetery design.

B. Committal shelters are policed after each service such that subsequent guests see no evidence of the previous service.

C. The bier appears to be permanent and is maintained in an as-new condition.

D. The committal shelter is scrupulously clean.

### **XIII. Equipment**

A. Equipment is not operated within direct sight or sound of a committal shelter while services are being held.

B. Equipment is clean and free from accumulation of mud, dirt, or oil other than that resulting from that day's work.

C. Equipment paint presents a good appearance and properly protects the equipment from deterioration caused by the environment.

D. Equipment is in proper repair and does not have a patched together or jury-rigged appearance.



# Appendices:

4



**LD 1630, STAKEHOLDER GROUP FOR THE DEVELOPMENT OF A PLAN  
FOR THE INVENTORY AND PROPER CARE OF VETERANS' GRAVES**

**Meeting Minutes**

September 18, 2012, 10:00 A.M. – 12:00 P.M.

Location: Joint Standing Committee on Veterans' and Legal Affairs, State House, Room 437

Minutes Prepared By: Rebecca L. Maheux, Administrative Assistant, DVEM

Purpose of the Meeting: Discuss Resolve and Status of Veterans Graves

Attendance at Meeting: Peter Ogden, Director, Maine Veterans Services  
David Richmond, Superintendant, Maine Veterans Cemetery System  
Helen Shaw, Maine Genealogy Society & Maine Old Cemetery System  
Kate Dufour, Maine Municipal Association  
Debbie Grover, President, Maine Cemetery Association System  
Terry Knowles, American Legion Post 41  
Andre L. Dumas, Veterans of Foreign Wars, Post 9389  
Kelley D. Wynne, Chairman, Veterans Memorial Cemetery Association  
and Maine Veterans Coordinating Committee  
Peter Miesburger, Veterans of Foreign Wars, Post 9389  
Cheryl Patten, President, Maine Old Cemetery System (Alternate)  
Fred Libby, Post Commander, Veterans of Foreign Wars, Post 7738 (+2)

Meeting was broadcast live over the Joint Standing Committee on Veterans' and Legal Affairs Audio Broadcast System <http://audio3.mainelegislature.org/SH437>.

Mr. Ogden: Discussed the purpose of the meetings. That at each of the future meetings a different subject will be discussed and the goal is to work on the report together and draft it as we go along.

Mr. Ogden: Has the responsibility to testify before a Joint Session of the Veterans' and Legal Affairs Committee and the State and Local Government Committee sometime in mid-January. When date is confirmed, members of the stakeholder's group will be notified and given the opportunity to attend. The last meeting in December will be when we put the report together.

Mr. Ogden: Could probably write the report now without holding a meeting because he understands the problems, he deals with them every day. Most of the complaints that come forward go to him and he tries to resolve them with the towns. He understands that. What we don't know, what is important about what we are doing, what we are going to talk about as a committee is what's going on out there now. What are people doing? How are they doing those things? One of our challenges will be, we'll talk about it, is an understanding of where the veterans are buried. Everybody does things differently. We're going to figure out how to make things work.



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Mr. Ogden: Was given a cd of an administration program that was from the late 30's early 40's. On the cd were 524 pdf pictures of cemeteries with a code on them that said Civil War, Revolutionary War, and War of 1812 veteran buried. No names, just where the plot was located in the cemetery back in 1943. He may have a better handle if he could link that program to the other part of the document which are little cards that say who's buried in what cemetery by name. That's a lot of old history. Part of his concern are all those, but also all those that are buried today.

Mr. Ogden: Asked if there were any questions about the process. Seeing none he moved on with the meeting.

Mr. Ogden: Passed around a copy of the Resolve. (Enclosure 1)

Mr. Ogden: Mentioned that some of the members of the group appeared and testified as part of the LD development of the Resolve and he appreciated their concerns in helping to get this on the agenda.

Mr. Ogden: Today, Maine has around 150,000 living veterans in Maine. Maine has the highest percentage veterans' population per capita in the Nation (2,000). We are still number 2 or 3. We have a tremendous history of service and sacrifice. He has no idea how many are buried, but he can tell us that we lost 2,551 in World War II, 233 in Korea and 343 in Vietnam. Some are buried in Maine and some are buried in other places. Whether their graves are marked or unmarked is kind of an interesting process to figure that out.

Mr. Ogden: **"Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves"**

Mr. Ogden: *Sec. 1. Creation of stakeholder group; membership. Resolved: That, within its existing resources, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services shall establish a stakeholder group, referred to in this resolve as "the stakeholder group," for the development of a plan for the inventory and proper care of veterans' graves. The bureau shall invite the participation of representatives of municipal government, county government, genealogy groups and veterans' organizations; a designee of the Maine Old Cemetery Association and a designee of the Maine Cemetery Association; and interested members of the public; and be it further*

Mr. Ogden: *Sec. 2. Duties. Resolved: That the stakeholder group shall review the status of the graves of all veterans of the United States Armed Forces throughout the State. The stakeholder group is not required to consider veterans' graves in private cemeteries unless they are considered ancient burying grounds subject to care and maintenance by a town or county as prescribed by the Maine Revised Statutes, Title 13, sections 1101 to 1102. The stakeholder group shall issue a report that makes recommendations to ensure that veterans' graves are properly cared for, especially those of veterans who no longer have family members who are able to monitor and maintain those graves; and be it further*

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Mr. Ogden: *Sec. 3. Report. Resolved: That, no later than January 15, 2013, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services shall report the stakeholder group's findings and recommendations and any suggested legislation to the joint standing committees of the Legislature having jurisdiction over veterans matters and state and local government matters.*

Mr. Ogden: The Resolve is pretty specific about who were looking for to be members and have given us a task. He's not sure if we are going to be looking at every veteran's grave in Maine. A testimony stated that there are roughly 9,000 or more cemeteries in Maine, if there's that many, we would never get them all looked at as a group. We'll be taking testimony from the public, as they come in with concerns from there part of the State and cemeteries that we are looking at would give us an idea of what is going on around us. It is a challenge out there to maintain and understand where all the cemeteries are.

Mr. Ogden: Asked if there were any questions on the Resolve, about what they gave us and what we are supposed to be doing. Seeing none he moved on with the meeting.

Mr. Ogden: Next item to be discussed was the law. Has a lady in his office that puts together excerpts of all the Maine Laws that deal with veterans and that the excerpts he was passing around were pieces of the law, certain types of sections that deal with the temporary corporation's portion of it. (Enclosure 2)

Mr. Ogden: **Title 13: Corporations**

Mr. Ogden: **Chapter 83: Cemetery Corporations**

Mr. Ogden: **§1101. Maintenance and repairs; municipality**

Mr. Ogden: *In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary soldiers or sailors or veterans of the Armed Forces of the United State of America who served in any war are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year.*

Mr. Ogden: Pretty cut and dry in his opinion.

Mr. Ogden: **§1101-A. Definition**

Mr. Ogden: *Ancient burying ground. "Ancient burying ground" means a private cemetery established before 1880.*

Mr. Ogden: Those are probably the ones that are probably on private property.

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Mr. Ogden: Need legal opinion. Cemeteries owned by towns or municipalities. Are they considered public or private?

Mr. Ogden: **§1101-B. Ancient burying grounds**

Mr. Ogden: *1. Access to ancient burying grounds on privately owned land. The owner of an ancient burying ground shall provide municipalities access necessary to perform the duties pursuant to section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide municipalities 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.*

Mr. Ogden: *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 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.*

Mr. Ogden: Law is pretty clear. Private cemetery within a municipality, the municipality has the responsibility to make sure it gets taken care of. If the land owner does not want to take care of it there is recourse to do something about that.

Mr. Ogden: **§1101-C. Notice of responsibility**

Mr. Ogden: *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.*

Mr. Ogden: Penalty is not \$100 for whole thing; it is \$100 per grave.

Mr. Ogden: If there is an issue, who do you take it to? One of the weak parts of the law. If someone has an issue how do we resolve the issue. Need clarification.

Mr. Ogden: **§1101-D. Unorganized townships**

Mr. Ogden: *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.*

Mr. Ogden: Lays it out there for municipalities and towns, counties responsibilities.

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

Mr. Ogden: *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.*

Mr. Ogden: Exempts graves owned by Federal Government. Doesn't spell out anything about Maine Veterans Cemetery System. We have to follow the National Cemetery Administration standards. We are held to a much higher standard.

Mr. Ogden: §1102. -- neglect

Mr. Ogden: *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 therefore.*

Mr. Ogden: Title 30-A, Municipalities and Counties

Mr. Ogden: Chapter 131: History and Observances

Mr. Ogden: §2901. Decoration of veterans' graves on Memorial Day

Mr. Ogden: *1. Decoration of veterans' graves. Each municipality, as directed by its municipal officers, annually shall decorate on the day Memorial Day is observed the graves of veterans of the Armed Forces of the United States of America with an American flag and appropriate flag holders.*

Mr. Ogden: We have an issue with not inventorying veterans' graves, not knowing where veterans are buried. The towns have the responsibility to mark the graves of the veterans. They should know where and when they are buried. Cemeteries are not asking the questions, are you a veteran or not. There not recording the status. That's an implied task. There should be some recording of status on graves by towns and municipalities.

Mr. Ogden: *5. Unorganized townships.*

Mr. Ogden: Same responsibility.

Mr. Ogden: Title 30-A, Municipalities and Counties

Mr. Ogden: Chapter 223: Municipal Finances

Mr. Ogden: §5723. Public works

Mr. Ogden: *A municipality may raise or appropriate money to:*

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Mr. Ogden: *3. Cemeteries. Provide for public cemeteries; maintain private cemeteries established before 1880; care for graves of veterans and maintain fences around cemeteries in which veterans are buried;*

Mr. Ogden: Legislature gave towns and municipalities the authority to raise funds to maintain cemeteries by raising taxes to do that.

Ms. Dufour: Would like to make an important distinction that municipalities can't expend property tax dollars for private purposes. That is why there is an exception in the law. It is illegal for municipalities to raise revenues for private purposes.

Mr. Ogden: Understands the process.

Ms. Shaw: Question in terms of the definition of ancient burial grounds. Not so much burial grounds. There is no definition in what is a cemetery. Is it one burial, is it two burials, is it a hundred burials? What is a cemetery? What is a burial site? One graves, two graves. We need to define what is a burial ground.

Mr. Ogden: Commented on the difference between ancient burial grounds and family plots.

Ms. Shaw: If you bury on private property you can file that with the town and it becomes an official cemetery. But these older ones there is no record of it being an official cemetery or burial plot.

Mr. Ogden: Asked if there were any other questions.

Mr. Dumas: In regards to towns being financially responsible to maintain graves. Economy is not the same as it was twenty years ago. Towns going bankrupt. What do you do?

Mr. Ogden: It is a big challenge to maintain cemeteries.

Mr. Knowles: His perspective is exactly the opposite, what can we do to help municipalities, counties and private cemeteries? There are some things we can do. There are a lot of volunteers and corporate money out there.

Mr. Ogden: That's what the law says. They give us the authority, now how do we make that work. We will get into that later on. But I just what to cover pieces of the law. As we talk about that in one of our future meetings, we'll be talking about recommendations to change the law or better address the issues.

Mr. Ogden: Today's focus is on conditions in the cemeteries. He then introduced Mr. Fred Libby, Post Commander, Veterans of Foreign Wars, Post 7738 who will give testimony and present pictures on four cemeteries.

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Testimony was received from Mr. Libby regarding the status of veterans' graves at four cemeteries. Focus was primarily on New Meadows Cemetery and the town of Brunswick. A discussion regarding his testimony followed between Mr. Libby and the group.

Mr. Richmond: Read an article regarding the definition of Public vs. Private Cemeteries. *The law contemplates generally two categories of cemeteries, public and private. A public cemetery is one used by the general community, a neighborhood, or a church, while a private cemetery is one used only by a family or a small portion of the community. However, public use rather than ownership determines whether a cemetery is public. Thus, a cemetery, though privately owned or maintained, may be deemed a public cemetery if it is open, under reasonable regulations, to the use of the public for the burial of the dead.*

More discussion followed regarding public vs. private cemeteries.

Discussion was then brought back to Mr. Libby's testimony.

Mr. Ogden and Mr. Richmond will put together a list of questions for clarification to the Attorney General's office.

More discussion followed regarding perpetual care costs and Mr. Libby's testimony concluded.

Mr. Ogden: Asked if there were any other comments regarding cemeteries. There were no more comments.

Mr. Libby and his guests left the meeting.

Mr. Ogden: Asked the group if there were any comments.

Ms. Patten: About being buried after 1880, has nothing to do with it, it's when the cemetery was established. 1880 is the established date. They could have been buried in 1910, but it's still an ancient cemetery under this law.

Ms. Patten: You just mentioned perpetual care. That's built into the law now. About a third of every lot sale is now required by law to go into perpetual care.

Mr. Ogden: We put a third of our plot allowance away in a trust fund for the future. We started doing that a couple years ago. Once the cemetery is full there is no more income coming in and the funds would go towards maintaining the grounds.

Mr. Dumas: What about Indian cemeteries who have veterans? Is that going to be examined also?

Mr. Ogden: Not here, we are not dealing with federal property. But the VA does have a program for the tribes. To establish state cemeteries on tribal lands for burying tribal veterans. Depending on how many veterans and the size of the tribe.

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Mr. Ogden: We need to define the ancient cemetery process. We also need to look at private vs. public, where do the church cemeteries come into that. How do they fit within the town's responsibility? Town relationships with cemetery associations.

Mr. Ogden: Identifying veterans' graves. Some kind of system or database. According to the VA 3,800 veterans a year dies in Maine. The Honor Guard does around 2,000 funerals and Veterans groups do about 500+. So there are a thousand veterans out there that are not getting recognition. Are they even getting recorded as a veteran?

There was a discussion regarding cremations.

There was a discussion regarding who is considered a veteran according to the law.

There was a discussion regarding flags and flag holders.

Standards we expect for maintaining veterans graves.

Requesting replacement headstones on behalf of veterans without surviving family members. Daughters of the American Revolution could be one avenue to assist in finding records for replacement. Donations could also be utilized in replacing headstones.

The law needs to be tweaked.

A database needs to be created to track where veterans are buried.

Items to be followed up on:

- Clarification on the definition of a veteran. [The difference between 1101 and 2901]
- What is a cemetery and what is a burial ground.
- Public vs. Private Cemeteries [Where do the churches and associations fall under those categories?]
- Relationships with Towns and Cemetery Associations.
- Where does the money go when the plot is sold?
- Cemetery established prior to 1880.

Topic of discussion for next meeting: "Reasonable expectations for proper care of veterans' graves."

-End-

**LD 1630, STAKEHOLDER GROUP FOR THE DEVELOPMENT OF A PLAN  
FOR THE INVENTORY AND PROPER CARE OF VETERANS' GRAVES**

**Meeting Minutes for:** October 16, 2012, 10:00 A.M. – 11:30 P.M.

Location: Joint Standing Committee on Veterans' and Legal Affairs, State House, Room 437

Minutes Prepared By: Peter W. Ogden

Purpose of the Meeting: Discuss Resolve and Status of Veterans Graves

Attendance at Meeting:

Peter Ogden, Director, Maine Veterans Services

David Richmond, Superintendant, Maine Veterans Cemetery System

Kate Dufour, Maine Municipal Association

Debbie Grover, President, Maine Cemetery Association System

Terry Knowles, American Legion Post 41

Andre L. Dumas, Veterans of Foreign Wars, Post 9389

Kelley D. Wynne, Chairman, Veterans Memorial Cemetery Association  
and Maine Veterans Coordinating Committee

Peter Miesburger, Veterans of Foreign Wars, Post 9389

Ron Rivard, Town of Shapleigh

Meeting was broadcast live over the Joint Standing Committee on Veterans' and Legal Affairs Audio Broadcast System <http://audio3.mainelegislature.org/SH437>.

1. Introduction of all attendees.
2. Review of minutes from October 2<sup>nd</sup> meeting. Members unanimously accepted minutes of last meeting.
3. Mr. Richmond reviewed questions that were submitted to Attorney General for clarification. As of meeting no response from Attorney General on questions.
4. Mr. Richmond passed out National Cemetery Guidelines for proper care of veterans' graves. These are the standards that are followed by Maine Veterans Memorial Cemetery System. Mr. Richmond reviewed guidelines with group. (see App 3)
5. Ron Rivard, volunteer from the Town of Shapley talked about how the Town (he) maintained their 58 cemeteries, some of which you have to hike into in order to maintain them.



6. Discussion on maintenance of headstones generated an issue about getting replacement headstones as VA recently changed their rules and now require next of kin to sign paperwork. Many of the older graves do not have any next of kin available to sign paperwork
7. Debbie Grover suggested written guidelines on "reasonable standards" on maintaining graves.
8. Terry Knowles suggested that we include pictures of good maintenance and poor maintenance to go with the written standards. "Picture worth a thousand words"
9. Kate Dufour suggested that we provide general guidance to Towns rather than a specific requirement such as, "grass height between 2-3 inches.
10. Kate Dufour asked about bringing up the issue of one large flag pole in cemetery versus every grave marked with an individual flag. There was a lot of discussion on who provides the flags and when they are placed and removed.
11. Peter Ogden brought up setting date for removal of flags, i.e. after Veterans Day. Concern is that flags are getting tattered and covered in leaves and snow which is disrespectful to the flag and the veteran.
12. Terry Knowles suggested that the towns decide when to remove the flags.
13. Dave Richmond suggested that standards could be different by types of cemeteries and by access ability. For instance ancient cemeteries usually have a different ground cover than the newer cemeteries.

14. Terry Knowles sent this after the meeting:

*Here is my attempt to define "good condition" as it pertains to Title 13 Chapter 83 paragraphs 1101, and 1101-C.*

*The following is guidance is general in nature.*

*Good condition is defined as: 1) Sunken graves will be regraded when they are at a maximum of 3 inches below surrounding ground to match the surrounding ground level. 2) Headstones, monuments, or markers designated the burial place will be set at proper height and orientation both vertically and horizontally; the inscriptions are to be visible and legible. 3) Turf and ground cover: a) grass in burial place is maintained at a height of 1.5 to 2.5 inches and optimally no more than 3 inches. Grass is trimmed around headstones and other monuments and markers. Turf does not encroach on flat grave markers and is kept free of debris such as fallen branches and trash. b) At woodland and natural growth burial places fallen trees and branches will be cleared on a regular basis; clinging vines will be controlled so that burial site is not overcome.*

15: Next meeting date is Oct 30<sup>th</sup>, Room 437 of the State House from 10 AM to 1 PM. Meeting focus will be on "Inventorying Veterans Graves" of how we are recording the veteran's grave.



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Meeting Minutes

November 13, 2012, 10:00 A.M. – 1:00 P.M.

Location: Joint Standing Committee on Veterans' and Legal Affairs, State House, Room 437

Minutes Prepared By: Rebecca L. Maheux, Administrative Assistant, DVEM

Purpose of the Meeting: Inventory of Veterans Graves

Attendance at Meeting: Peter Ogden, Director, Maine Bureau of Veterans Services  
Andre L. Dumas, Veterans of Foreign Wars, Post 9389  
Dick Graves, Second Vice Commander, American Legion-Maine  
Helen Shaw, Maine Genealogy Society & Maine Old Cemetery System  
Kate Dufour, Maine Municipal Association  
Kelley D. Wynne, Chairman, Veterans Memorial Cemetery Association  
and Maine Veterans Coordinating Committee  
Ron Rivard, Superintendent of Cemeteries, Town of Shapleigh  
Terry Knowles, American Legion Post 41  
Cheryl Patten, President, Maine Old Cemetery System (Alternate)

Meeting was broadcast live over the Joint Standing Committee on Veterans' and Legal Affairs Audio Broadcast System <http://audio3.mainelegislature.org/SH437>.

1. Introduction of all attendees.
2. Review of minutes from October 16, 2012 meeting. Mr. Rivard pointed out a typing error for line item 5, "Town of Shapley" to be corrected to "Town of Shapleigh". Mr. Knowles and Mr. Ogden discussed line item 14. Members then unanimously accepted minutes of last meeting.
3. Mr. Ogden stated that questions were sent to the Attorney General's office and that we are awaiting response from those. He is hopeful that we will have our answers back by next meeting. He then passed out copies of the Attorney General's letter provided by Mr. Donald Simoneau and a discussion followed. (Attached) *(see App 2)*
4. Mr. Ogden discussed the purpose of today's meeting, "Inventory of Veterans Graves".
5. Mr. Ogden offered the opportunity for some of the members to tell him what they think the terminology "Inventory of Veterans Graves" means.
6. Mr. Knowles offered his thoughts on the terminology. That it means exactly what it says, try to determine where all the veterans in the State of Maine are buried and where their remains are.
7. Mr. Ogden said that is an ongoing process, that we are burying veterans everyday and that is the challenge.

8. Mr. Ogden then passed out charts of the Brownville Cemetery and discussion followed. (Attached)
9. Mr. Ogden then passed out a packet of information regarding the St. Albans Village Cemetery and discussion followed. (Attached) (see App 7)
10. Mr. Ogden then stated that part of the challenge of inventorying veterans' graves is "What are the towns doing?"
11. Ms. Shaw stated that the Town of Rockport has a card index and that each of the cemeteries has a cemetery committee and that they are responsible for putting out the flags and in Camden they put together a computer database. Discussion then followed between Ms. Shaw and Mr. Ogden.
12. Mr. Ogden then asked Mr. Rivard what they are doing down in his area.
13. Mr. Rivard stated that in Shapleigh, he is the one that is putting the records together. That prior to him there was a gentleman that was recording the information and he did not have access to that information. He had to start from scratch with the cemeteries that the town had given to him and then he did research and found other cemeteries. All the information that he has gathered is on the Shapleigh website.
14. Mr. Wynne then stated that a lot of veteran organizations, especially in this area (Augusta), they put the flags out. That the guys that do it have a list and that they physically walk the cemeteries and write them in as they find new ones.
15. Mr. Dumas stated that in Caribou that the VFW and the American Legion know where all the veterans are buried that it is them that are doing it and not the town. Then a discussion between Mr. Dumas and Mr. Rivard regarding cemeteries followed.
16. Ms. Shaw then mentioned a project that the University of Maine in Presque Isle has done and suggested that they be contacted to see what they have done and is her suggestion of a way to go.
17. Mr. Ogden then mentioned that one of the concerns that we have is about any extra work for the towns and the cost of doing this. Should this be a statewide process, or should it be a local or county process?
18. Mr. Ogden then asked how do we avoid adding financial burden to towns.
19. Mr. Knowles stated that we need to take a look at the past and see how we can make it better. The future we need to provide them tools.
20. Mr. Ogden then stated that we need to be realistic to where people are buried. How do we accomplish this without over impacting the towns.
21. Ms. Shaw stated that a database needs to be provided to towns and organizations. Everyone needs to use the same program or database.
22. Mr. Ogden then asked Ms. Dufour how much technology does an average town have.

23. Ms. Dufour answered that it varies from town to town.
24. A discussion regarding cremations followed. Information on where remains are being buried is not available due to family members holding on the loved ones or burying them at later dates.
25. Mr. Knowles then asked if there is one central place where death certificates go.
26. Ms. Shaw answered that they are first sent to the Office of Vital Records and the Maine State Archives and then eventually the Secretary of State's office. A discussion followed.
27. Mr. Ogden then discussed the Nationwide Gravesite locator and passed out a sample of a typical search. Discussion then followed. (Attached) *(See App 7)*
28. Mr. Dumas asked Mr. Ogden if he has contacted his other counterparts in different states to find out what they do and how they are doing that.
29. Mr. Ogden answered that he has contacted them and that they are not doing that.
30. There was a discussion regarding the VA software and if they are willing to share with the State.
31. The Group then took a ten minute break and reconvened at 11:00.
32. The Group then discussed recommendations for the report.
  - What are we looking for in cataloging veterans' graves.
  - We need to define what the requirements are.
  - Define \$100 fine. Is it \$100 per grave or per cemetery?
  - Complaint Process & Legal Action. What is the process?
  - Suggest an Educational Campaign to share information.
  - Care and maintenance of graves. More standardized program.
  - Establish funds for donations for towns/associations.
  - Need to define "Good Conditions".
  - Collecting data. Provide a tool and encourage towns and associations to use it.
  - Have one central location where information is kept. (i.e. Town Website)
33. Next meeting date is December 4<sup>th</sup>, Room 437 of the State House from 10 AM to 1 PM.

-End-



LD 1630, STAKEHOLDER GROUP FOR THE DEVELOPMENT OF A PLAN  
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Meeting Minutes

December 4, 2012, 10:00 A.M. – 1:00 P.M.

Location: Joint Standing Committee on Veterans' and Legal Affairs, State House, Room 437

Minutes Prepared By: Rebecca L. Maheux, Administrative Assistant, DVEM

Purpose of the Meeting: Recommendations for Report

Attendance at Meeting: Peter Ogden, Director, Maine Bureau of Veterans Services  
David Richmond, Superintendent, Maine Veterans Cemetery System  
Andre L. Dumas, Veterans of Foreign Wars, Post 9389  
Gerard Raymond, Executive Director, St. Peter's Cemetery  
Helen Shaw, Maine Genealogy Society & Maine Old Cemetery System  
Kate Dufour, Maine Municipal Association  
Kelley D. Wynne, Chairman, Veterans Memorial Cemetery Association  
and Maine Veterans Coordinating Committee  
Peter Miesburger, Veterans of Foreign Wars, Post 9389  
Raymond Parent, Chairman, Southern Maine Veterans Memorial  
Cemetery Association  
Ron Rivard, Superintendent of Cemeteries, Town of Shapleigh  
Terry Knowles, American Legion Post 41  
Cheryl Patten, President, Maine Old Cemetery System (Alternate)

Meeting was broadcast live over the Joint Standing Committee on Veterans' and Legal Affairs Audio Broadcast System <http://audio3.mainelegislature.org/SH437>.

1. Introduction of all attendees.
2. Prior to start of meeting Mr. Richmond handed out copies of the minutes of last meeting and a "Draft" copy of the report that will be submitted to the legislature.
3. Mr. Richmond mentioned that the draft report was just a shell at this point and asked members to take a few minutes to review the report before the beginning of the meeting.
4. Mr. Ogden apologized, he was hoping to have more of the report done, but he ran out of time.
5. Mr. Ogden stated that the goal of the meeting is to come up with recommendations together for the report.
6. Ms. Patten pointed out a grammatical error in the report. Page 4, section 1, part b., organization should be changed to read organizations.



7. Mr. Ogden asked a question as to how many cemeteries were in the State of Maine, he thought the number was around 9,500 and asked for clarification. There was no direct answer, however group members will check and report back on a number.
8. Review of minutes from November 13, 2012 meeting. Mr. Ogden asked if anyone had any comments or questions, seeing none, members unanimously accepted minutes of last meeting.
9. Mr. Ogden then asked if there were any questions or comments about the report.
10. Mr. Knowles stated that the only thing that stands out to him in the report is the National Veteran Cemetery Standards.
11. Mr. Ogden and Mr. Richmond then went into detail about the National Cemetery Standards.
12. Mr. Ogden then asked members to look at the pictures in the report showing headstone conditions at two national cemeteries, Arlington and the National Memorial Cemetery of the Pacific (locally known as Punchbowl) in Hawaii.
13. Mr. Ogden stated that his goal was trying to put things in the report that shows that there are a lot of things towns have to do to maintain standards.
14. A discussion then followed regarding cemetery standards.
15. Mr. Ogden then stated that we need to recommend what is the definition of suitable maintenance.
16. Ms. Shaw then asked the question who is ultimately responsible and who is responsible for enforcing. That is where the law needs to be tweaked.
17. Mr. Ogden stated that is part of our challenge. That it is spread out over several sections of the law.
18. Mr. Richmond then stated that if the goal of the meeting today is to come up with tentative recommendations, he has four that he would like to brainstorm on based on meetings we've had to date.
19. Mr. Richmond then stated that if anyone notices any corrections that need to be made to pass them on to Becky Maheux and she will keep a list and forward on to Pete Ogden.
20. Mr. Richmond's first recommendation "Adopt a uniform maintenance standard for veterans graves in private and municipality cemeteries". (Varies definition) Something that we would refine and list out in bullet form.
21. Mr. Richmond's second recommendation "Clarify the fine assessment, collection and disbursement for veterans graves not properly cared for".
22. Mr. Richmond stated that recommendations 3 & 4 need some detail that he needs to give the group and that they are very tentative. It's regarding the cataloging/inventorying of veterans graves.

23. Mr. Richmond's third recommendation "Start an education campaign to educate the Maine public on the VA Medallion program for veterans buried in private or municipal cemeteries that have no veterans marker".
24. A discussion followed regarding what a Medallion is and how to obtain one.
25. Mr. Richmond stated that they contacted the VA to ask that if we had a way to input 150,000 plus veterans into the system, if they would allow it and the answer was no. He then stated that this has been done for veterans buried in the Civic Center Drive cemetery over a five year period by his staff. That veterans buried from 1970 on, the information has been entered into the National Cemetery database.
26. A discussion followed regarding the National Gravesite locator website.
27. A discussion followed regarding the replacement of headstones and assisting families of veterans with getting replacements and helping them filling out forms and signing the paperwork as a "family member". That is our biggest challenge, finding family members of older gravesites.
28. Mr. Richmond passed out copies of the Fairmount Cemetery, Presque Isle, Maine. Referencing a GIS mapping system developed by Dr. Wang at the University of Maine at Presque Isle.
29. Mr. Richmond's fourth recommendation "Start a grant campaign for the University of Maine at Presque Isle to develop a program that downloads Maine Veterans information from the National Graves locator and updates a searchable name database".
30. Mr. Richmond stated that an addendum to this recommendation would be that whatever database it becomes, it's able to receive information from municipalities put together and send to Dr. Wang and he or his interns can key it in and information gathered from the honor roll can be added into that.
31. A discussion followed regarding the recommendations provided by Mr. Richmond.
32. Mr. Ogden stated that he will go back and take all the recommendations and information discussed and return to his office to finish the draft report and forward it to all members for their input.
33. No other meeting dates have been scheduled.
34. -End-



# Appendices:

5



Cheryl Willis Patten  
1161 East Pond Road  
Smithfield, ME 04978

LD 1630

Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves

Hearing: 8 February 2012

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Senators and Representatives, Members of the Committee on Veteran's and Legal Affairs:

I am Cheryl Willis Patten, the president of the Maine Old Cemetery Association (MOCA), and I am here on behalf of our membership -- over 650 strong - to speak in favor of the Resolve, *To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves*. MOCA was founded in 1968 through the efforts to Dr. Hilda M. Fife of Kittery, Maine. Our group is dedicated to the preservation of Maine's old graveyards; but any issue pertaining to cemeteries is of importance to us. We believe that all graves should receive respect and reverence. Should this resolve be enacted we would like to be active participants in this project. Two particular MOCA projects that deal or have dealt with veterans are MIP and BIP.

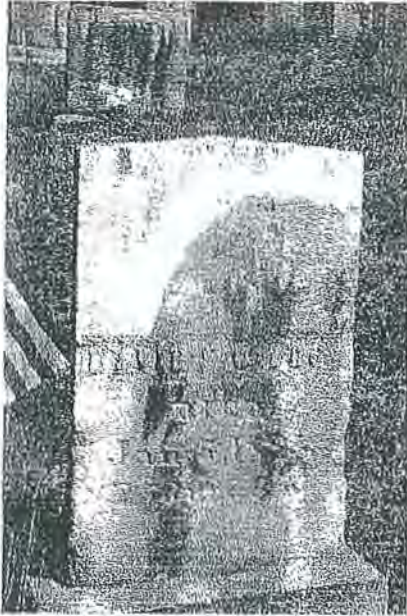
**MIP - Maine Inscription Project**, currently chaired by Roland Jordan of Auburn, was started in 1971 by Katherine "Kay" Jackson. From gravestones volunteers transcribed the names, dates, family relationships, fraternal and military information, and in some cases, all of the information on gravestones found in Maine. What was compiled by the mid-1970s was published and since that time additional efforts have been underway to verify that original information, and to add information from additional cemeteries. As of the beginning of 2012, in the MIP database, we have information on 1,053,132 ME burials and 6,939 cemeteries.

**BIP - Bicentennial Inscription Project** was an early project of MOCA in the 1970s. Over two hundred researchers participated in collecting information about over 7,500 Revolutionary War veterans who had lived in Maine before, during, or after the Revolutionary War, with whatever data could be found as to birth, death, marriage and burial places. This was then computer-indexed, and copies of the printout placed in

libraries in different parts of the state. The original notes taken by the researchers sometimes have more facts than were given in the printout and these notes are on file at the Special Collections Department at Fogler Library at UMO.

One MOCA member who is on a local cemetery committee sent me an e-mail that speaks to the issue of care of veterans' graves from a point of view that needs to be considered as this project develops. He wrote, "This is a good idea, but we need to make sure this does not turn into an unfunded mandate that municipalities cannot afford." The law currently requires that the municipality "*shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year.*" [Title 13: Part 2: Chapter 83: Subchapter 2: Article 2: §1101] As you can see from the attached photos of veterans' graves this is not currently happening in all towns and this resolve is one way that might help the towns with this issue. Please support this resolve.

These photos of veterans' graves were available - not to be considered as the worst cared for - many grave sites have worse care or no care.



*Cemetery near New Vineyard  
Merrylyn Sawyer photo*

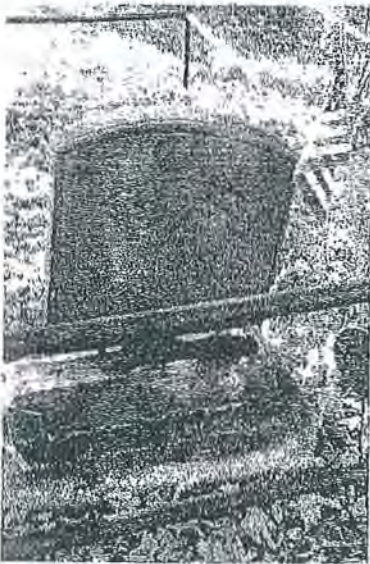


*Lewiston, Riverside Cemetery  
2005 Marilyn Burgess photo*

Sacred  
to the memory of  
James Means, Esq.,  
who died  
Oct 15, 1832.  
AEt. 79  
He was an officer  
of the Revolution



*Portland  
Stroudwater Burying Ground  
Elizabeth Oatley photo  
He was an original member  
of the Order of Cincinnati*



*Merrylyn Sawyer photo*

Small cemetery on the west/south side of the Litchfield Road - in a tiny clearing along the Litchfield Road just to the south of the Wood Schoolhouse Road



*Lewiston, Riverside Cemetery  
2005 Marilyn Burgess photo*



These photos of veterans' graves were available - not to be considered as the worst cared for - many grave sites have worse care or no care.

JOHN L. SAMUEL MASON  
 JOHNSON, DIED  
 DIED June 2, 1871,  
 May 25, 1844, Aged 52 y'rs.  
 AE. 60 y'rs.



*Bradford, Hillside Cemetery  
 Kimberly Sawtelle photos  
 August 2011*

[stone broken in hole]  
 Change, ---  
 Of pure affections, ---  
 He meekly gave up all for ---  
 And felt to die was gain.



*Portland  
 Stroudwater Burying Ground  
 Elizabeth Oatley photos*



*Exeter, South Branch Cemetery  
 Kimberly Sawtelle, April 2008 photo*



**Col. James Waugh, Esq.**

*Norridgewock  
 Oxbow Cemetery  
 Cheryl Willis Patten photo  
 October 2010*

Helen A. Shaw, CG<sup>sm</sup>  
77 Pascal Avenue, Rockport, ME 04856

**TESTIMONY REGARDING LD 1630**  
**RESOLVE. TO ESTABLISH A STAKEHOLDER GROUP FOR THE DEVELOPMENT**  
**OF A PLAN FOR THE INVENTORY AND PROPER CARE OF VETERAN'S GRAVES**

Good afternoon Senator Farnham, Representative Beaulieu, and members of the Joint Standing Committee on Veterans and Legal Affairs.

My name is Helen Shaw. I live in Rockport and am vice president of the Maine Genealogical Society. I am here today not to lobby for this bill, but simply to provide information and to request that the Maine Genealogical Society be allowed a place in the stakeholder group.

The Maine Genealogical Society, along with the Maine Old Cemetery Association, represents over 1000 family historians in Maine, many of whom have spent countless hours locating, documenting, and preserving graves of early settlers, many of them military veterans. These are the people who may literally, be the only ones who know where some of these bodies are buried.

For example, a project which I am heading is to locate and to take GPS citations and photographs of all Revolutionary War patriot graves in Knox County (most of these patriots were military personnel). One such person is John Andrews, buried in the Andrews Cemetery in Warren. The book *Warren Cemeteries 1735 to 1985* gave only a vague description of the cemetery location. The town sexton and town historian did not know where this cemetery was. It took visits to several houses to find someone who had heard of possible burials on a neighbor's property. Once contact was made with the property owner, the cemetery was located, GPS marked [44° 06.619 North / 69° 14.427 West] and photographed.



There is no need for the proposed stakeholder group to start from scratch to develop a plan to inventory veterans' graves. Members of the Maine Old Cemetery Association, the Maine Genealogical Society, and members of lineage societies based on ancestral military service, can guide the stakeholder group to material already in existence in books, microfilm, and private collections. They can provide free, easy access to a wide population interested in Maine veterans and the proposed project through newsletters and web sites. Members of these groups could also be called on to provide volunteer assistance in collecting data and data entry once the plan is implemented thus lowering the cost of the project to taxpayers.

Thank you for the opportunity to speak to you today.



TESTIMONY OF  
Senate President Kevin Raye  
Before the Joint Standing Committee on Veterans and Legal Affairs  
Presenting LD 1630,  
Resolve, To Establish a Stakeholder Group for the Development of a Plan  
for the Inventory and Proper Care of Veterans' Graves  
*February 8, 2012*

Chairman Farnham, Chairman Beaulieu and distinguished members of the Veterans and Legal Affairs Committee, I am Senate President Kevin Raye, and I am here as the sponsor to present LD 1630, "Resolve, To Establish a Stakeholder Group of a Plan for the Inventory and Proper Care of Veterans' Graves."

I introduced this legislation in response to concerns that were brought to my attention by a citizen concerned about the condition of veterans' graves in the Unorganized Territories. In the UT, this gentleman had visited the final resting place of a heroic B26 crew member who made the ultimate sacrifice in Europe during World War II, and was deeply disturbed to find this fallen hero's grave stone in a state of neglect and disrepair.

After consulting with officials of the American Legion, it became clear that this is a situation that warrants a thorough review. Every veteran deserves a final resting place that is honored by those of us who enjoy freedom as a result of their service to our nation and we, as a State, have an obligation to do what we can to ensure that happens.

That is the goal of my legislation.

By creating a stakeholder group to look at this issue more closely, this resolve will bring together concerned groups and individuals for a comprehensive examination of this troubling situation. It is clear in Title 30(A) that when a veteran's grave is in an ancient burying ground or a public burying ground, the municipality "shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place."

We all have a stake in making certain that, likewise, we do all we can to ensure that the graves of our veterans in these types of burying grounds located in the UT are also properly honored.

This stakeholder group will take an in-depth look at veterans' graves across the state and make recommendations based on thoughtful and careful considerations. It is important to make clear that this task force is not designed to create cost for local government, but rather to uphold our commitment to those who sacrificed for all of us.

It has been said that one measure of a society is how it honors its dead. Certainly that is true and no more so than in how it honors those who have given their all in service to their fellow citizens and the ideals of democracy and freedom.

Maine has a proud military tradition, one that we must continue to honor and it is my hope that this legislation will earn your support and a unanimous ought to pass report so that we can better understand the issues involved and be prepared to take appropriate action.

Thank you.

# # #

Testimony of Peter Ogden  
Director – Bureau of Veterans Services  
DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY  
MANAGEMENT  
Neither for nor Against

**LD 1630, Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves**

Senator Farnham, Representative Beaulieu and members of the Joint Standing Committee on Veterans and Legal Affairs I am Peter Ogden, Director of Bureau of Veterans Services and I am here to testify neither for nor against **LD 1630, Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves**

Maine Veterans' Services thanks Senate President Raye and the cosponsors of this legislation for their concern that our deceased veterans' graves are accounted for and receive proper care.

The purpose of my testimony is to provide information on what is presently in State law.

LD 1630 directs the Bureau of Veterans Services to establish a stakeholders group to develop a plan for the inventory and proper care of veterans' graves and make recommendations to this committee.

The Department of Veterans Affairs estimates currently that over 3500 Maine veterans are dying each year. Only 20% are buried in the Maine Veterans Cemetery System or national cemetery where there is an exact accounting of their burial location. The remainder are buried in private or municipal cemeteries where their veteran status may or may not be noted. The accounting of the grave location is not directly noted in law but is implied in MRSA 30-A, §2901. **Decoration of veterans' graves on Memorial Day...**  
*"Each municipality, as directed by its municipal officers, annually shall decorate on the day Memorial Day is observed the graves of veterans of the Armed Forces of the United States of America with an American flag and appropriate flag holders."*

MRSA13 § 1101 establishes the responsibility for the proper care of veterans graves: *"In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary soldiers or sailors or veterans of the Armed Forces of the United State of America who served in any war are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year... The owner of an ancient burying ground shall provide municipalities access necessary to perform the duties pursuant to section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide municipalities 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.*

I have attached excerpts from state statutes for your review.

Should the committee choose to recommend passage of this bill I would recommend that the report back is provided to both the Veterans and Legal Affairs and the State and Local Government Committees. Any potential impact to local governments should be reviewed by the State and local Government Committee.

Thank you for the opportunity to speak and I will be glad to answer any questions you may have.



## PISCATAQUIS COUNTY COMMISSIONERS

163 EAST MAIN STREET  
DOVER-FOXCROFT, ME 04426  
(207) 564-2161  
(207) 564-3022 (Fax)

Eric P. Ward, District 1

Thomas K. Lizotte, District 2  
Marilyn K. Tourtelotte, County Manager

Frederick Y. Trask, District 3

October 15, 2012

**Ref: Resolve Chapter 126: Resolve: To Establish a Stakeholder Group for the Development of a Plan for the Inventory and proper Care of Veterans' Graves.**

The following statement is in reference to the resolution passed in the 2012 legislative session regarding the development of a plan for the inventory and care of veterans' graves and how the county could be impacted.

Piscataquis County fully supports the care of veterans' graves. The county currently cuts and trims the grass and places flags on the graves of veterans that have been identified in the cemeteries located in the unorganized territory of Piscataquis County.

The county would like to express a couple of concerns regarding this resolution.

The cemeteries in the unorganized townships, maintained by the county, were "inherited" as various towns de-organized. Records are missing, if they even existed, regarding who is buried in the cemeteries. The cost of hiring an individual to research each grave in all of the cemeteries maintained by the county in order to create an inventory of veterans would be very costly to the taxpayers of the unorganized territory. If a penalty was mandated by the legislature for the lack of identifying veterans graves, for not caring for the graves to a specified level, or for not doing the work within a certain time period, the cost of both the work and the penalty would have to be passed on to the taxpayers of the unorganized townships.

Piscataquis County is a poor county with an aging population. The county makes every attempt to control the budget to keep down taxes. Funds could be raised for the work on Veterans' Graves, but it is not a quick fix and would have to be budgeted over years.

In the initial step, groups such as historical societies, boy scouts, and civic groups could conduct the research and report back regarding identity of veterans' graves and the care necessary for the graves. A plan for repairs and care could then be established.

Piscataquis County recognizes and honors the service the veterans gave to their country. The county will continue to do the best it can at maintaining the graves of the veterans buried within the unorganized territory cemeteries.

Submitted by Marilyn Tourtelotte *Marilyn Tourtelotte*  
Piscataquis County Manager





PITTMAN-MORRISON POST 7738  
VETERANS OF FOREIGN WARS

45 Floral Street, Bath, ME 04530-2092

September 14, 2012  
Re: Veteran Cemetery  
Orchard View Cemetery  
West Bath, Maine

I Met with West Bath officials (Mr. Jonathon Davis) on Sept 14<sup>th</sup> 2012, to obtain the names of responsible persons or organizations for the up-keep of Veterans Graves.

I explained to Mr. Davis the VFW POST 7738 located in the town of Bath would like to install a flag pole equipped with a solar light and Flag.

Mr. Davis referred me to Mr. Frank Donnell. (Tel. 207-433-3674)

I contacted Mr. Donnell, explained to him VFW POST 7738 would like to install a Flag Pole equipped with a solar light and Flag.

We would require written permission from his organization and an area 6 x 6 feet for the installation of the flag pole.

Mr. Donnell said he would contact his Org. and get back to us.

Respectfully submitted



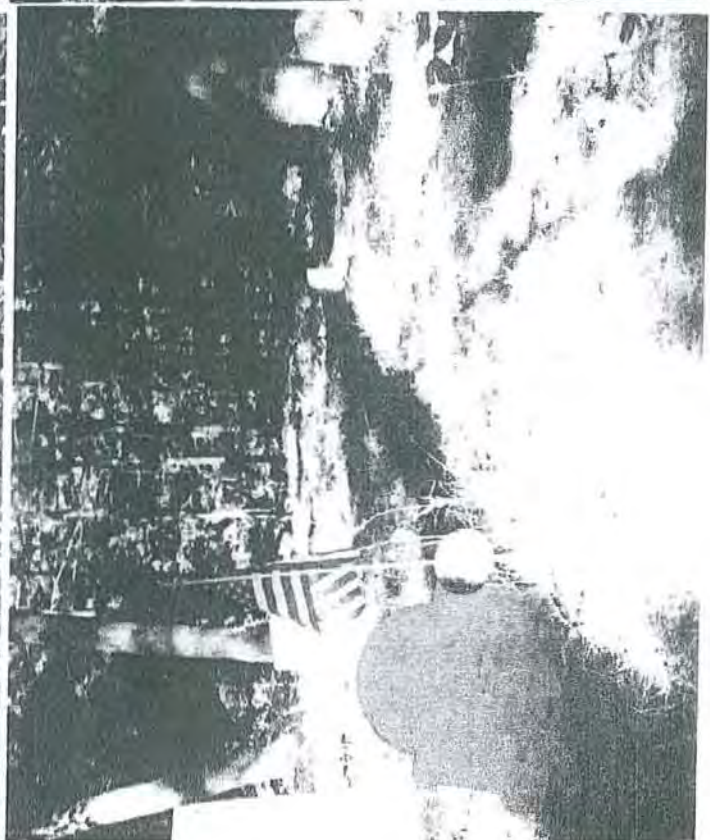
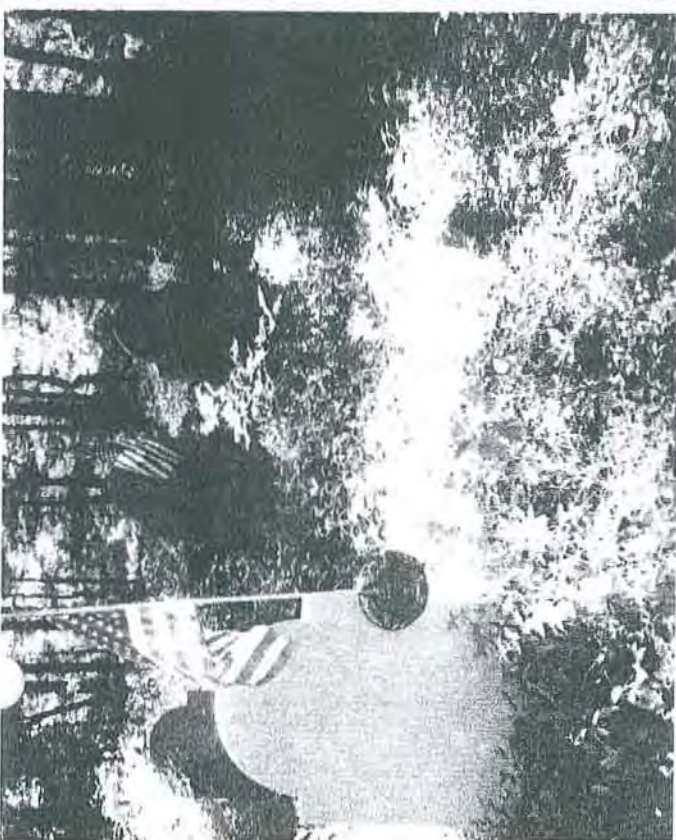
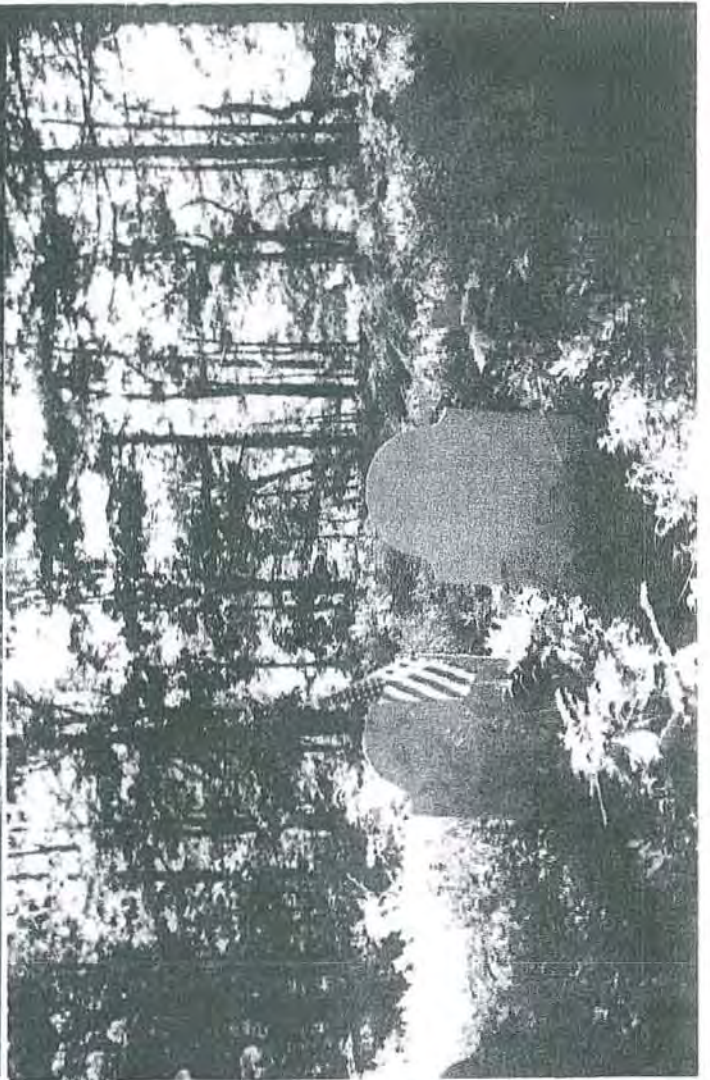
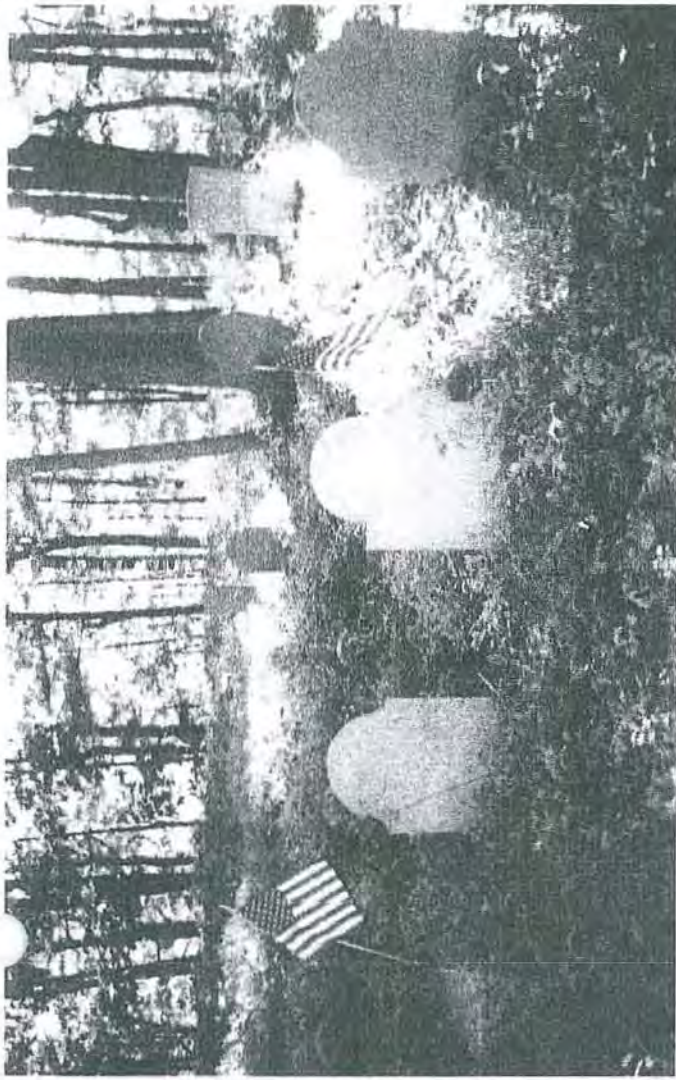
A. R. Edwards  
Commander Post 7738



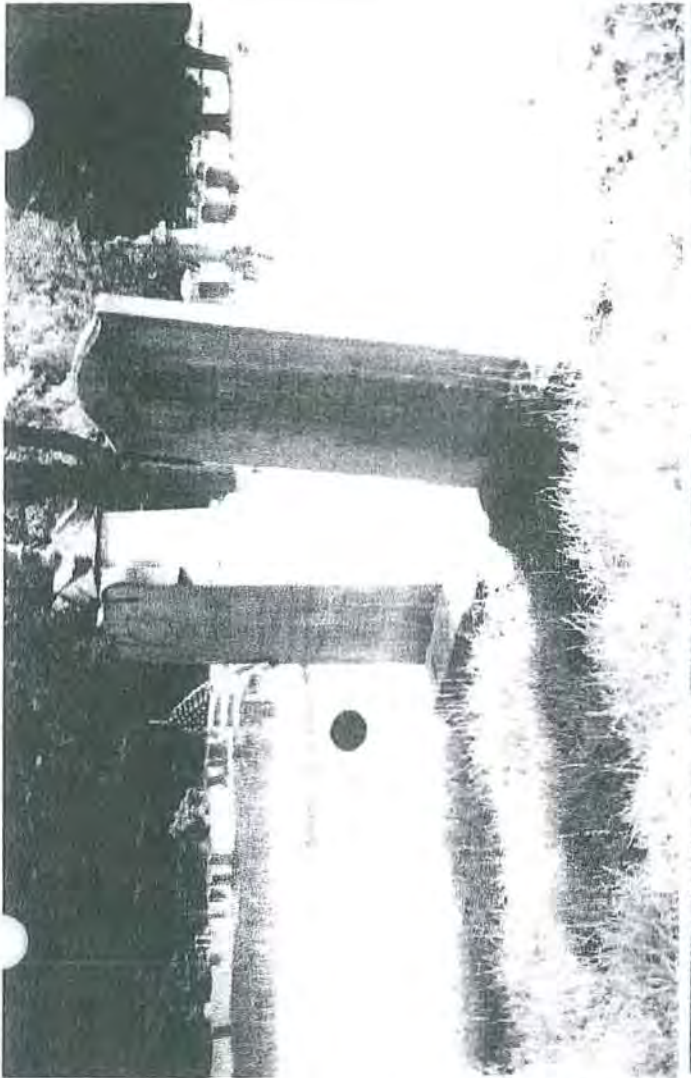
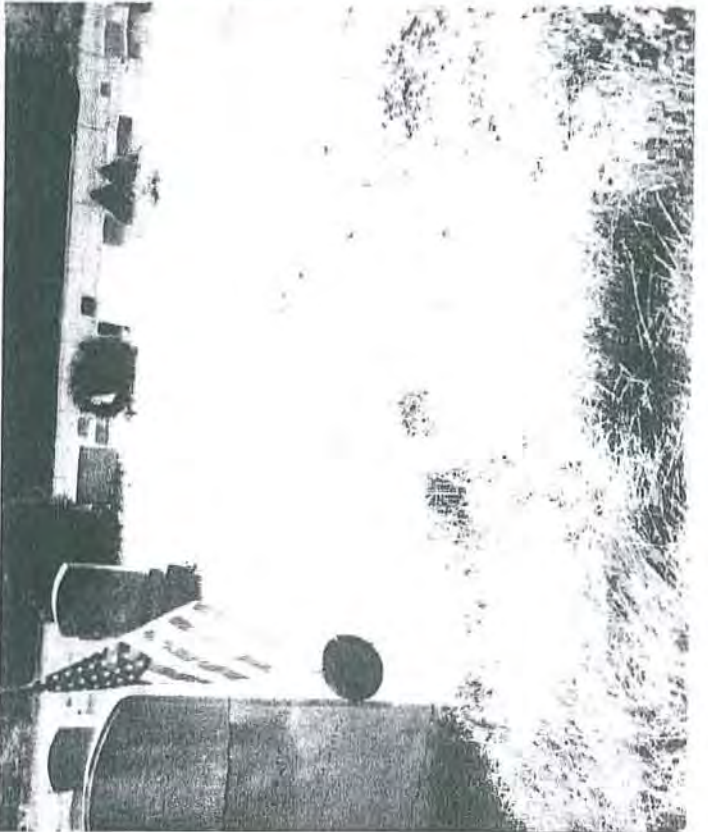
# Appendices:

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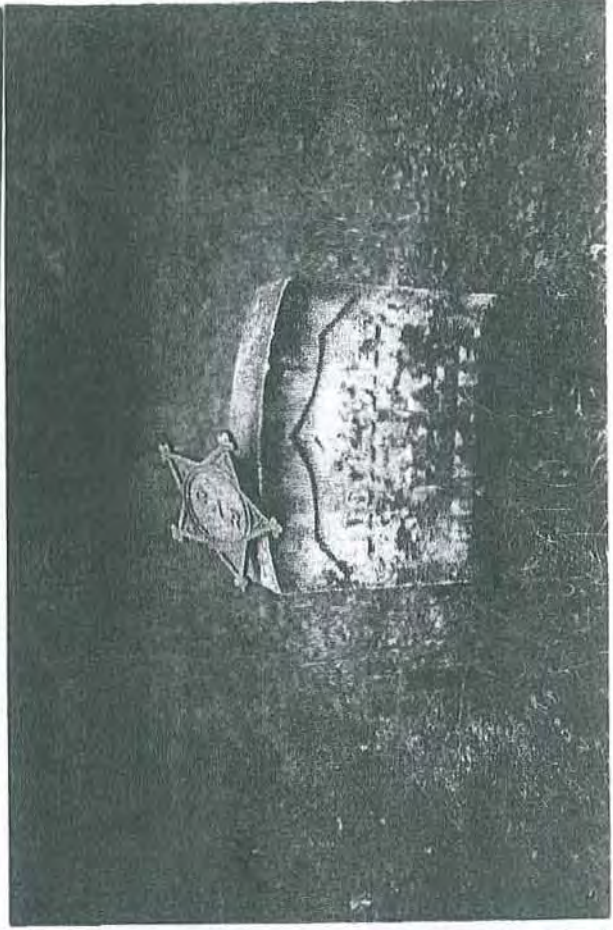
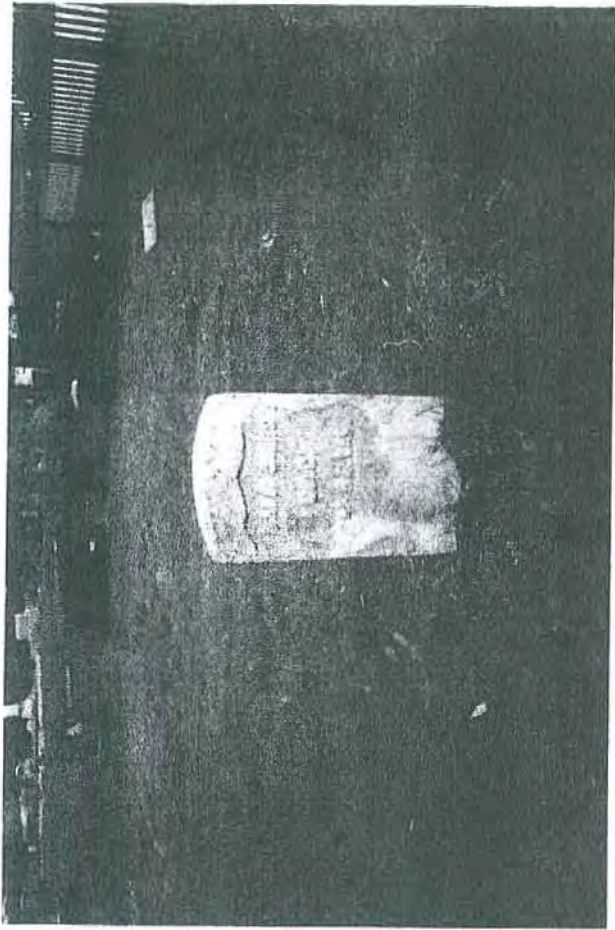




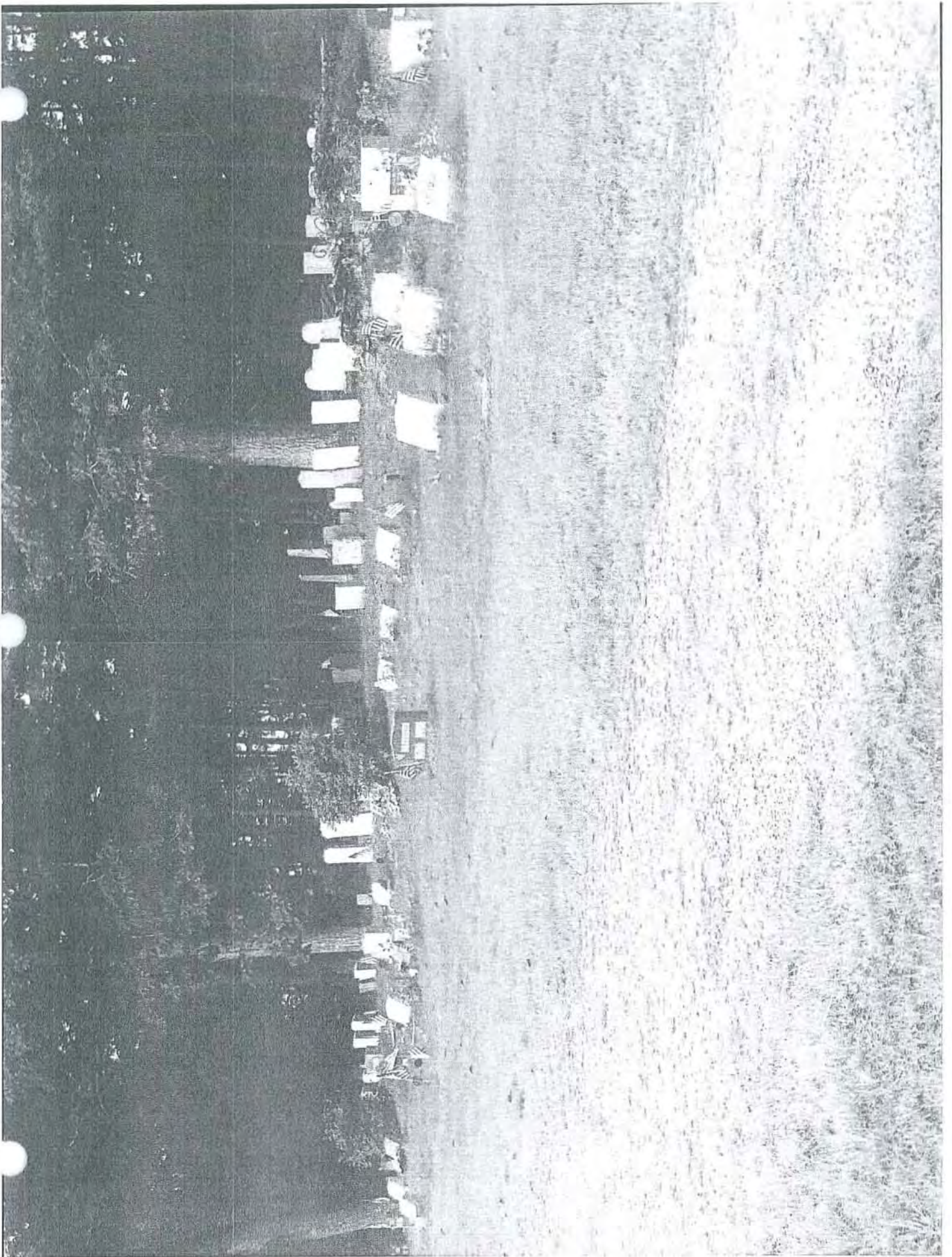




















EDGAR L MCNELLY

SN US NAVY

VIETNAM

JUL 2 1944

JAN 8 2009



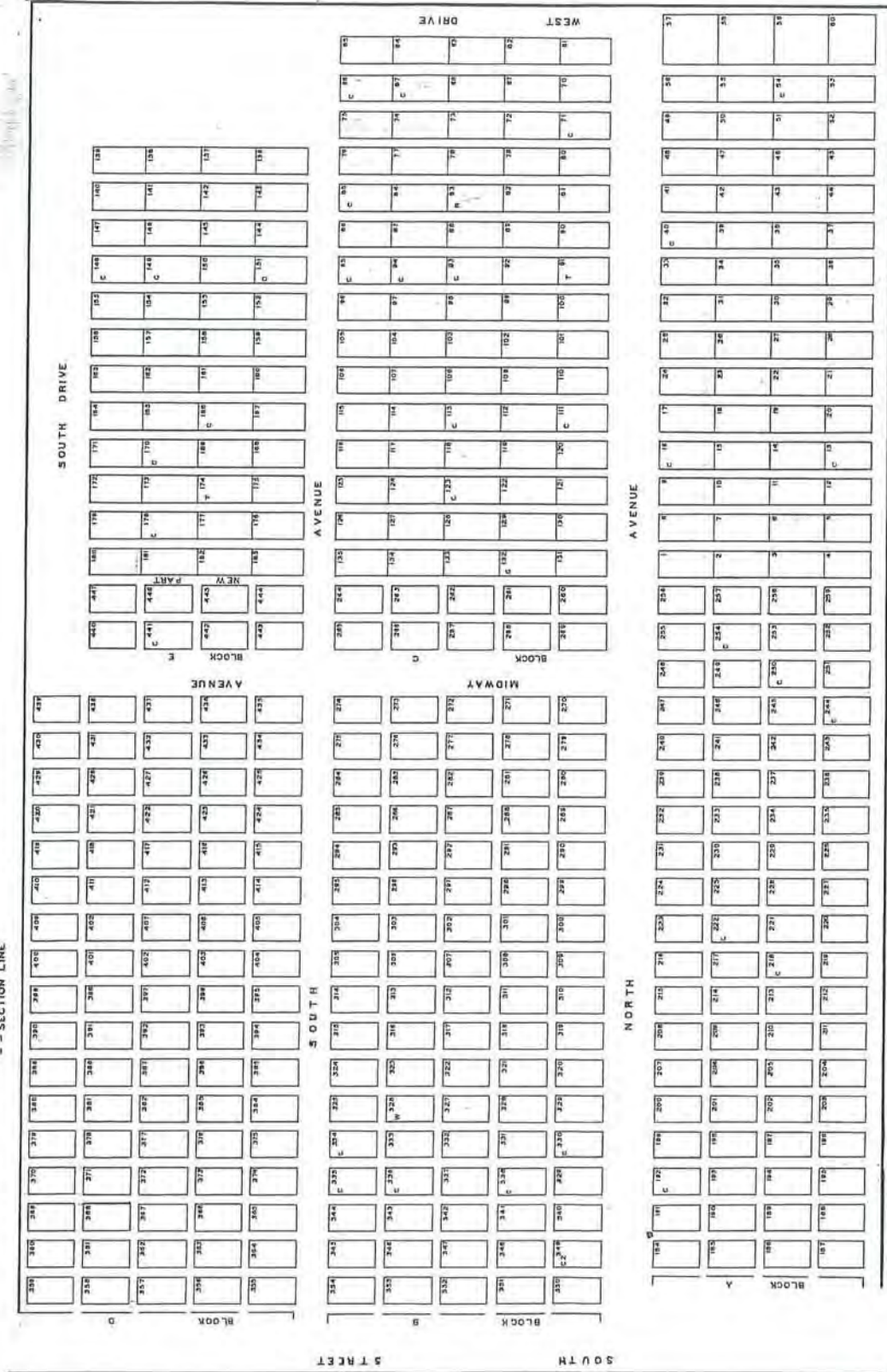


# Appendices:

7



- LEGEND**  
 W - WALL WAR  
 S - SPANISH WAR  
 C - CIVIL WAR  
 R - REVOLUTIONARY WAR  
 T - WAR OF 1812  
 I - INDIAN WARS  
 M - MEXICAN WAR  
 A - AMERICAN WAR  
 J - SECTION LINE



215

SCALE  
 0 20 40 60 FEET

**VILLAGE CEMETERY**  
 ST ALBANS - SOMERSET COUNTY - MAINE

WORK PROJECTS ADMINISTRATION  
 OFFICIAL PROJECT NUMBER 88-114-2-17  
 SPONSORED BY THE STATE OF MAINE  
 DEPARTMENT OF THE ADJUTANT GENERAL

MAY 7 1941

SURVEY AND REGISTRATION  
 WAR VETERANS GRAVES

Last Name		First	Middle Init.	Address		Serial No.	
Cooley,		Isaac	W.	St. Albans (Somerset Co.) Maine			
Date of Birth		At			War		
January 11, 1811		Ossipee, N.H.			Civil		
Date of Death		At		Cause			
Dec. 16, 1882							
Date of Burial		Cemetery			Section No.		Lot No.
		Crocker			B		33
Grave No.	Book No.	Page No.	Next of Kin				
Date of Enlistment		At			Date of Discharge		Branch of Service
Jan. 2, 1862					Aug. 28, 1862		Army
Rank			Type of Marker or Stone				
Private			Stone GAR marker and flag				
War Record Co. F, 7th Me. Vol. Inf.							
Additional Comments							
Discharged for dis.							

Source: AGO Augusta





BANCROFT, JOHN YORK, ABRAHAM	APR 18, 1740	LYNNFIELD, MA		MARY WALTON	1820	MERRILL HILL	NORWAY STANDISH	0576	Member of Capt. Wentworth Stuart's Co. Enlisted May 16, 1775. No more known of him
CRAM, DANIEL	MAR 28, 1724	HAMPTON FALLS, NH		SARAH GREEN	MAR 05, 1815	VILLAGE	STANDISH CORNER	0833	
SHAW, THOMAS	OCT 10, 1753	HAMPTON, NH	(1) (2) (3)	HANNAH WOOD MRS SUSANNAH THOMES MRS LYDIA PRENTISS PARTRIDGE	OCT 20, 1838	VILLAGE	STANDISH CORNER	2178	
THOMPSON, ISAAC SNOW, DR	JUN 28, 1761	WOBURN, MA		CHARLOTTE HAY	JUN 07, 1799	VILLAGE	STANDISH CORNER	2610	
COLLINS (CALLINS), LEMUEL	FEB 28, 1758	GLOUCESTER, MA		MERCY GARRIN	SEP 28, 1841	BLAKE HILL	STARKS	0806	
BOWEN, JABEZ	1757			UNKNOWN		CORSON'S CORNER	STARKS	1643	
DITSON, BENJAMIN	CIRCA 1760			POLLY	APR 12, 1839	DITSON	STARKS	1918	
SAWYER, LUKE	JUN 04, 1760	TEMPLETON, MA	AUG 24, 1784	RACHEL GREENLEAF	APR 08, 1841	FREDERIC	STARKS	2164	
STERRY, DAVID (LERRY)	AUG 12, 1754			CATHERINE GRAY	APR 04, 1843	FREDERIC	STARKS	1124	
FREDERICK, JOSEPH	1742	LISBON, PORTUGAL		JERUSA PEASE	JUN 08, 1822	FREDERICK	STARKS	1001	
GREENLEAF, JOHN	NOV 06, 1753	WISCASSET, ME	1781	ANNA PIERCE ROBERTS	JUN 04, 1846	GREENLEAF	STARKS	0289	Gov. headstone placed by Levi Greenleaf of Portland
GREENLEAF, JOSEPH (JONAS), CAPT.	JULY 2, 1727	YORK	1752	DORCAS GRAY	FEB 24, 1814	SANDY RIVER	STARKS	1071	
GREENLEAF, EBENEZER	1753	YORK, ME	APR 29, 1775	ELIZABETH CHAPMAN	AUG 15, 1817	SANDY RIVER	STARKS	4098	
GREENLEAF, JOSEPH	CIRCA 1757			MARGARET NASON	FEB 24, 1814	SANDY RIVER	STARKS	7281	
BRAY, JOSEPH	DEC 25, 1762	GLOUCESTER, MA		ANNAH GOTT	JAN 21, 1841	VILLAGE (DINSMORE CEM)	STARKS	0064	grave "to be marked by Ruth Heald Cragin Chapter" Enlisted at New Gloucester. Was living in Anson when he applied & rec'd State Bounty for Revolutionary services
MERO (MERS), AMARIAH	MAY 14, 1757	STOUGHTON, MA	MAR 31, 1786	SUSANNA ROBBINS	AUG 01, 1852	WILLIAMSON	STARKS	1500	Headstone
CROSBY, ROBERT	1743	TOWNSEND, MA		SUSANNAH SHERWIN	APR 18, 1792		STARKS	2870	
EMERY, NATHANIEL	MAR 06, 1743		(1) (2)	PHEBE CLOUGH PATIENCE COOL	MAY 06, 1824		STARKS	4238	
GOTT, WILLIAM	DEC 06, 1747			SARAH GAMAGE			STARKS	5243	
HIBBARD, JONATHAN	APR 21, 1754	METHUEN, MA		SARAH KIMBALL	SEP 19, 1838		STARKS	3955	
LOMBARD, BUTLER	CIRCA 1756	BARNSTABLE, MA	AUG 09, 1787	JEMIMA CLAY	MAR 1826		STARKS	4325	
PARLIN, ELEAZER	JUN 01, 1758	CONCORD, MA	JUN 10, 1783	OLIVE HILDRETH	DEC 19, 1848		STARKS	3846	
YOUNG, WILLIAM	CIRCA 1753				JUN 21, 1842		STARKS	7353	
HARTWELL, OLIVER JR.	SEP 07, 1761	GROTON, MA	(1) MAR 27, 1789 (2)	RACHEL SHATTUCK KAZIAH MATTHEWS CHASE	NOV 01, 1854	TOWN	STETSON	4546	Headstone: "93yrs"



BANCROFT, JOHN	APR 18, 1740	LYNNFIELD, MA		MARY WALTON	1820	MERRILL HILL	NORWAY	0576
OSGOOD, NATHANIEL	1756			HEPZIBAH	1850	RURAL	SEDGWICK	3816
BLACK, JOHN	CIRCA 1736				APR 1832		SEDGWICK	4839
BLACK, MOSES	1752		(1) (2)	LYDIA REED ELIZABETH FREETHY	DEC 22, 1829		SEDGWICK	1782
BLAISDELL, ENOCH	JUL 09, 1714	AMESBURY, MA		MARY SATTERLEE	FEB 12, 1790		SEDGWICK	7388
BORTHRICK, ABEL				DOLLY	1786		SEDGWICK	6300
COUSINS, SAMUEL	1759			PAMELIA ORCUTT	1835		SEDGWICK	2529
DORR, JOHN	CIRCA 1762	PITTSTON, ME	OCT 29, 1784	REBECCA GRAY	JUN 10, 1793		SEDGWICK	6544
EMMERTON, JOSEPH	BPT 1737	IPSWICH, MA		LUCY SOMES	OCT 21, 1803		SEDGWICK	4242
GRAY, JOHN	JUL 14, 1740	BRUNSWICK, ME		HANNAH GETCHELL	CIRCA 1790		SEDGWICK	4095
OBER, WILLIAM	APR 13, 1735	BEVERLY, MA	1760	HANNAH MONROE	MAR 05, 1813		SEDGWICK	6972
REED, WILLIAM, CAPT.	1729	SALEM, MA		MARY TUTTLE	FEB 14, 1790		SEDGWICK	5788
THURSTON, DAVID	MAR 19, 1745	GEORGETOWN, ME	(1) (2)	MARCY BACON CHLOE REDDINGTON	AUG 26, 1821		SEDGWICK	5936
YORK, SOLOMON	JUN 12, 1763	MATINICUS ISLAND, ME	(1) NOV 30, 1788 (2) JUL 28, 1829	BETTY BASTON PATIENCE GOTT CAMPBELL	FEB 10, 1835		SEDGWICK	7350
DODGE, ABRAHAM	APR 05, 1760				1836		SEDGWICK (?)	4024
PATCH, JONATHAN	CIRCA 1749	KITTERY, ME	DEC 16, 1773	MARY DAVIS	SEP 20, 1832		SHAPKEIGH	4397
BRAGDON, ARTHUR, PVT.	1754		(1) (2)	JANE MARR ELEANOR PREBLE	SEP 23, 1833	BRAGDON YARD	SHAPLEIGH	1654
GARVIN, PAUL, CAPT.	CIRCA 1761			BETSEY	DEC 03, 1834	GARVIN	SHAPLEIGH	6632
GOODWIN, BENJAMIN	NOV 03, 1754	S. BERWICK, ME	(1) MAY 08, 1777 (2) NOV 02, 1787 (3)	MARY SCHACKLEY ELIZABETH LINSKOTT MRS SALLIE NEWELL	MAY 18, 1842	GOODWIN YARD	SHAPLEIGH	3460
CROCKETT, BENJAMIN	CIRCA 1749			ANNIE	MAR 27, 1827	HAM	SHAPLEIGH	5139
PERKINS, NATHANIEL	CIRCA 1758			SALLY	JAN 03, 1828	HAM	SHAPLEIGH	6996
LITTLEFIELD, AARON	CIRCA 1764			LYDIA	FEB 19, 1834	HUNTRESS	SHAPLEIGH	6857
ROSS, JONATHAN, PVT.	APR 05, 1749	ELIOT, ME	AUG 01, 1771	JOANNA RICKER	NOV 19, 1842	ROSS YARD, STANLEY RIDGE RD	SHAPLEIGH	5861
STONE, WILLIAM	1744			MARY GRAY	MAY 22, 1836	SHAPLEIGH	SHAPLEIGH	4764
STERLING (STARLING), JOSIAH	SEP 29, 1732	KITTERY, ME	(1) FEB 13, 1755 (2) SEP 04, 1789	HANNAH EDGERLY ABIGAIL TUCKER	FEB 1814	STAPLES, STANLEY RIDGE	SHAPLEIGH	7171
COFFIN, NATHANIEL	AUG 25, 1738	KITTERY, ME		MARY NORTON	JUL 23, 1823		SHAPLEIGH	2855
HAM, GEORGE	SEP 29, 1764			DOROTHY	MAR 08, 1846		SHAPLEIGH	6685
HAM, SAMUEL, PVT	OCT 03, 1738	PORTSMOUTH, NH	SEP 21, 1773	ELIZABETH SHERBURN	1830		SHAPLEIGH	4977
HUBBARD, AARON, PVT.	1753	BERWICK, ME	JUL 16, 1779	MARTHA MASON	MAR 01, 1814		SHAPLEIGH	5118
HUBBARD, PHILIP	BPT 1755	BERWICK, ME		MEHITABLE UNDERWOOD	SEP 11, 1808		SHAPLEIGH	6758
LIBBY, STEPHEN	CIRCA 1741	BERWICK, ME	(1) APR 22, 1761 (2)	ABIGAIL GUPTILL HANNAH YOUNG	MAY 08, 1793		SHAPLEIGH	7504
MELDRUM, JOHN	CIRCA 1752		(1) (2)	SARAH GOWEN SARAH JOY	DEC 07, 1822		SHAPLEIGH	4129
PATCH, SAMUEL	OCT 22, 1757		FEB 03, 1780	LYDIA PATCH	NOV 13, 1843		SHAPLEIGH	5384

BANCROFT, JOHN	APR 18, 1740	LYNNFIELD, MA		MARY WALTON	1820	MERRILL HILL	NORWAY	0576	
STICKNEY, SAMUEL	MAY 13, 1762	ROWLEY, MA	(1) MAY 11, 1784 (2) APR 29, 1792	IRENE RAWLINGS PATTY ATWOOD	JAN 09, 1835	VILLAGE	BROWNFIELD	2239	
GERRISH, JOHN	AUG 29, 1756	BERWICK, ME	(1) (2)	MARY HARDISON WIDOW MARY REMICK (ELLIOT)	NOV 14, 1831		BROWNFIELD	4050	
HOWARD, SAMUEL	MAY 02, 1747			MARY HALEY	JUN 01, 1840		BROWNFIELD	3984	
HOWE, ELIAKIM	JAN 17, 1723	MARLBORO, MA		REBECCA RUSH	1801		BROWNFIELD	5112	
TRAVIS, OLIVER	MAY 14, 1761	WALTHAM, MA		PARMELIA GOODWIN	MAY 08, 1838		BROWNFIELD	7246	
TYLER, DANIEL	CIRCA 1760				AFT 1836		BROWNFIELD	5609	
THOMAS, JOSEPH T.	CIRCA 1727			ELEANOR	JUN 24, 1823	BROWNVILLE JUNCTION	BROWNVILLE	7224	
MAYO, ISAAC, PVT.	NOV 21, 1757	BARNSTABLE, MA		HANNAH CAHOON	OCT 12, 1844	OLD BROWNVILLE	BROWNVILLE	4361	
MAY, ISAAC	CIRCA 1757	BARNSTABLE, MA			OCT 1844	VILLAGE	BROWNVILLE	6899	
THOMAS, ICHABOD	CIRCA 1757	DUXBURY, MA		MEHITABLE CROSBY	FEB 25, 1845	VILLAGE	BROWNVILLE	2601	
BRADFORD, WILLIAM	NOV 15, 1757	DUXBURY, MA	MAR 04, 1783	HANNAH PARKER	MAR 24, 1811		BROWNVILLE	1861	
EMERSON, ASA	OCT 16, 1746	HAVERHILL, MA		MIRIAM COLBURN	JUN 02, 1817		BROWNVILLE	4231	
HINCKLEY, JOHN	Apr 2, 1757	BRUNSWICK, ME			JUL 28, 1779		BRUNSWICK		Maine soldier
MCMANNERS, DANIEL	1763	BRUNSWICK, ME		ELIZABETH TARR	JUN 01, 1851	AT FOOT OF ROCKY HILL	BRUNSWICK	3593	Unmarked grave
MCMANNERS, JOHN	1756				1842	AT FOOT OF ROCKY HILL	BRUNSWICK		Headstone. At Valley Forge
DUNLAP, HUGH	JUL 01, 1750				DEC 1850	DUNLAP/OWEN	BRUNSWICK	0204	no headstone; an unmarked grave beside his wife's grave is his. Her stone: "Mix Mary R. w/o Hugh Dunlap, d. May 26, 1828 ae
PURINGTON, ROBERT, PVT.	APR 21, 1751	SACO, ME	JUL 17, 1777	DORCAS EATON	AUG 01, 1833	DUNLAP-OWEN	BRUNSWICK	4511	
BROWN, EZEKIEL	AUG 10, 1755	KINGSTON, NH	FEB 03, 1780	ELIZABETH MALLET	JUN 04, 1798	FIRST PARISH	BRUNSWICK	6322	
DUNNING, ANDREW	NOV 09, 1736	BRUNSWICK, ME	DEC 29, 1768	ELIZABETH DUNLAP	SEP 15, 1800	FIRST PARISH	BRUNSWICK	2744	
GIVEN, JOHN					MAY 28, 1795	FIRST PARISH	BRUNSWICK	7616	
GIVEN, JOHN, SGT.	CIRCA 1743	BRUNSWICK, ME	(1) AUG 08, 1771 (2) MAR 25, 1785	MARY WINCHELL MARY SPEAR	NOV 10, 1819	FIRST PARISH	BRUNSWICK	1744	
GIVEN, ROBERT	MAY 28, 1745		MAR 19, 1776	MARY SKOLFIELD	SEP 26, 1810	FIRST PARISH	BRUNSWICK	6647	
ROSS, JAMES	AUG 14, 1749		MAR 18, 1783	MARY COBB	MAY 22, 1817	FIRST PARISH	BRUNSWICK	5557	
SIMPSON, LEWIS	1747	BRUNSWICK, ME	OCT 23, 1777	MARTHA SKOFIELD	NOV 24, 1832	FIRST PARISH	BRUNSWICK	4649	
STANWOOD, PHILIP	JAN 18, 1761				DEC 28, 1799	FIRST PARISH	BRUNSWICK	7166	
STONE, BENJAMIN	FEB 27, 1727	YORK, ME	1758	REBECCA LITTLEFIELD	OCT 27, 1800	FIRST PARISH	BRUNSWICK	4758	
HUNT, JOHN	CIRCA 1716			MARY	DEC 19, 1789	FIRST PARISH	BRUNSWICK	6767	Headstone
ALEXANDER, WILLIAM	NOV 13, 1762	HARPSWELL, ME		ELIZABETH CAMPBELL	OCT 19, 1847	GROWSTOWN	BRUNSWICK	0528	
COOMBS, JOHN	CIRCA 1763		JUL 01, 1794	HANNAH MOSS (MORSE)	FEB 17, 1850	GROWSTOWN	BRUNSWICK	6948	

BANCROFT, JOHN	APR 18, 1740	LYNNFIELD, MA		MARY WALTON	1820	MERRILL HILL	NORWAY	0576	
COBB, ISAAC, SEAMN	APR 01, 1753			DEBORAH LOVETT	FEB 01, 1823	ABBOT VILLAGE	ABBOT	3348	
ROLFE, JEREMIAH	1759	BUXTON, ME		FANNY HUZZEY	APR 01, 1841	ABBOT VILLAGE	ABBOT	2133	
TUBBS, JACOB	CIRCA 1752			JEMIMA CHURCHILL	1828	ABBOT VILLAGE	ABBOT	5604	
WING, NATHAN, PVT.	JUN 20, 1765	LIMINGTON, ME	DEC 25, 1791	LOVE FROST	APR 10, 1836	ABBOT VILLAGE	ABBOT	5709	
MOORE, ABRAHAM	CIRCA 1769		1790	BETSY (ELIZABETH)	APR 17, 1844		ABBOT	5013	
BRACKETT, NATHAN, PVT.	AUG 26, 1754	BERWICK, ME		MARY HEARD	FEB 17, 1837	BRACKETT YARD - WINCHELL ROAD	ACTON	1649	
HUBBARD, PHILIP, CAPT.	1718	BERWICK, ME		HANNAH PLUMMER	AUG 08, 1792	CHURCH	ACTON	4955	Old split stone with initials & a monument has been erected there. Buried on family burying grd where the old garrison stood.
SHOREY, SAMUEL	1743	BERWICK, ME			1827	MAPLE GROVE	ACTON	7657	
WOOD, DANIEL, MAJ.	JUL 13, 1739	BOXFORD, MA	(1) DEC 09, 1763 (2) MAY 16, 1766	HANNAH CARLETON MARY PHILPOT	JUN 27, 1819	MAPLE GROVE	ACTON	3664	
WEBBER, STEPHEN, PVT.	MAR 18, 1756	YORK, ME	(1) 1777 (2) MAY 13, 1819	HULDAH TOWNE SALLY C. EMERY	MAR 21, 1836	MAPLE GROVE CHURCH	ACTON	1209	
SHERMAN, THOMAS SR.	APR 18, 1754	ROCHESTER, MA		BETSEY KEITH	FEB 02, 1846	PRIVATE, MILTON MILK ROAD	ACTON	1114	
FARNHAM, RALPH	JUL 07, 1756	LEBANON, ME	1782	MEHITABLE BEAN	DEC 26, 1860	PRIVATE: ALFRED LEWIS PLACE	ACTON	0962	died @ 104yr 5mos 19dys. Enlisted in the American Army May 1775. Engaged in the Battle of Bunker Hill, June 17. Was present and on guard at the surrender of Burgoyne. Grave located near road from "Fox's Ridge, Acton. Leading toward N. Lebanon on the L side of road a few rods back. Down at the foot of the hill. His tombstone is one of a few lettered ones in the yard (sm country yd). [NOTE:he was not really in Battle of Bunker Hill]; see History of Col. Scammon's Regt. 1
FOX, DANIEL, CPL.	MAY 1752			SUSANNA THOMPSON	SEP 28, 1824	THOMPSON YARD, FOX RIDGE RD	ACTON	2449	
FOX, BRADSTREET, CAPT.	CIRCA 1743			ABIGAIL	MAR 24, 1827	WOODSON, N. SIDE RIDGE RD.	ACTON	6611	
BODWELL, JOHN, CAPT.	JAN 16, 1752	METHUEN, MA		MIRIAM WHITE	NOV 19, 1811		ACTON	6291	
BUZZELL, JAMES	JUN 02, 1759	WELLS, ME	1781	TABITHA ALLEN	AUG 23, 1838		ACTON	1901	
GILMAN, JONATHAN	APR 09, 1754	GILMANTON, NH		JOANNA BEAN	NOV 09, 1828		ACTON	4057	
HUBBARD, RICHARD, PVT.	BPT 1760	BERWICK, ME			1836		ACTON	5120	

Maine Economic Improvement Funds Small Campus Initiative Funds

**Developing a Cemetery GIS Database  
for Historic, Cultural, and Social Research  
in Aroostook County**

***Project Final Report***

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JoAnne Wallingford  
Kimberly Sebold, Ph.D.

University of Maine at Presque Isle

Drafted: June 26, 2010

Revised: July 19, 2010

## **1. Goals and objectives are met**

In our first-year proposal we set three goals/objectives for the project: (1) Collect all necessary data by using high-accuracy GPS (Global Positioning System) receivers and digitizing methods; (2) Develop the first cemetery GIS database in northern Maine; and (3) Conduct historic, cultural, and social research based on analysis of the database. After two years of hard work and efforts, we have met the goals and objectives --

- We have collected all necessary cemetery data for the Fairmount cemetery, the largest one in northern Maine, by using GPS/GIS methods and conventional notebook and pen method;
- We have developed the first cemetery GIS database management system in northern Maine for a large size cemetery;
- We have initially conducted and will conduct in-depth historic, cultural, and social research based on analysis of the database.

## **2. Milestones and outcomes are reached**

We have reached milestones and outcomes set in our first-year initial proposal and the second-year renewal proposal.

- We completed field burial data collection of 4,084 persons by the end of fall 2009; all the burial data were entered into the cemetery database by the middle of spring 2010. The burial data includes name, gender, birth date, death date, relation, military and civil services, stone type, as well as information on section, lot, and plot (such as section type and lot and plot numbers).
- We completed the mapping of all the ground features of 2540 lots (with about 10,051 plots) by using GPS and GIS technologies and created a lot ownership GIS database in fall 2009; we printed 6 lot ownership maps of total 17 sections for the Fairmount Cemetery Association. The Association now uses the hard-copy maps for its daily business transactions and management, will soon use a computer to manage the data.
- We completed photographing of all the grave stones (monuments, headstones, and foot markers) with a total 5754 photographs in summer 2009.
- We developed a new Access cemetery database management system that receives all the cemetery data collected, and completed the data entry by the middle of spring 2010. We have integrated the Access burial database system with the ArcGIS space/plot database system and developed a complete space/plot GIS database before the submission of this report.
- We have started data analysis with ArcGIS tools for historic, cultural, and social research. More in-depth research will follow.
- We work on website design and will have the data be published on the internet in later August as planned.

### 3. Achievements and Significances

The scale of the project and the complexities of the cemetery are much more complex than we anticipated in our original proposal. Data collection, digital integration, and data entry have proven to be substantially more labor intensive than originally expected. However, with the financial support from the MEIF Small Campus Initiative Funds and hard work of the faculty and a number of students who have been involved in the project, we could complete the project in time and make considerable achievements in terms of academic and professional development, student training, and community service.

Working on this first cemetery GIS project in northern Maine, we have earned valuable experience in developing cemetery databases; we have developed the Access and GIS databases from scratch. We have developed a work-flow model for collecting burial data and developing databases. We have also developed several methods in mapping ground features and integrating non-geographic and geographic datasets. The project will serve as a model for future development of any other cemetery GIS database management system.

There are totally 9 students who have been involved in the project in the last two years. The students learn hands-on experience by working on the real-world applications. Several of them become good at GIS skills.

The integrated cemetery database and the collection of 5754 photographs of all the grave stones are priceless assets. While people cannot stop weathering of grave stones, the database and the collection help preserve valuable historic information. The database management system will also help the cemetery Association to manage their data efficiently with modern information technology.

The project is perfect in fulfilling the university's commitment in community service and technology transfer. The Fairmount Cemetery Association has decided to purchase a computer and to use the computer to host the database and the database management system. They will use the database management system to manage the data and to help cemetery visitors to guide their tours to the cemetery. UMPI GIS laboratory will update the database routinely on an agreement and contract with the Fairmount Cemetery Association that repeatedly promises to fund our GIS lab for any future data update on the cemetery.

The publication of the cemetery data shall promote area attraction and tourism, thus helping area economy. We will see the effect soon this fall after the data is published on the internet.

We have been invited to give presentations on the project to a number of organizations, including the Fairmount Cemetery Association, the Grant Memorial United Methodist Church, the Presque Isle Rotary Club, the Noon Faculty Seminar at UMPI, and the Board of Visitors of the University of Maine at Presque Isle since fall 2009. Presentations at other local organizations are also scheduled for this year. The project has also generated media exposure due to which we have received words of praises and emails asking for collaboration from local communities and beyond (from as far as Prince Edward Island, Florida, and Colorado).

Explanation of how the funds were spent and "action plan" for spending remaining funds

Most of funds awarded were spent according to the revised budget by the end of June 2010. Most of the funds were used to pay students who worked on the project.

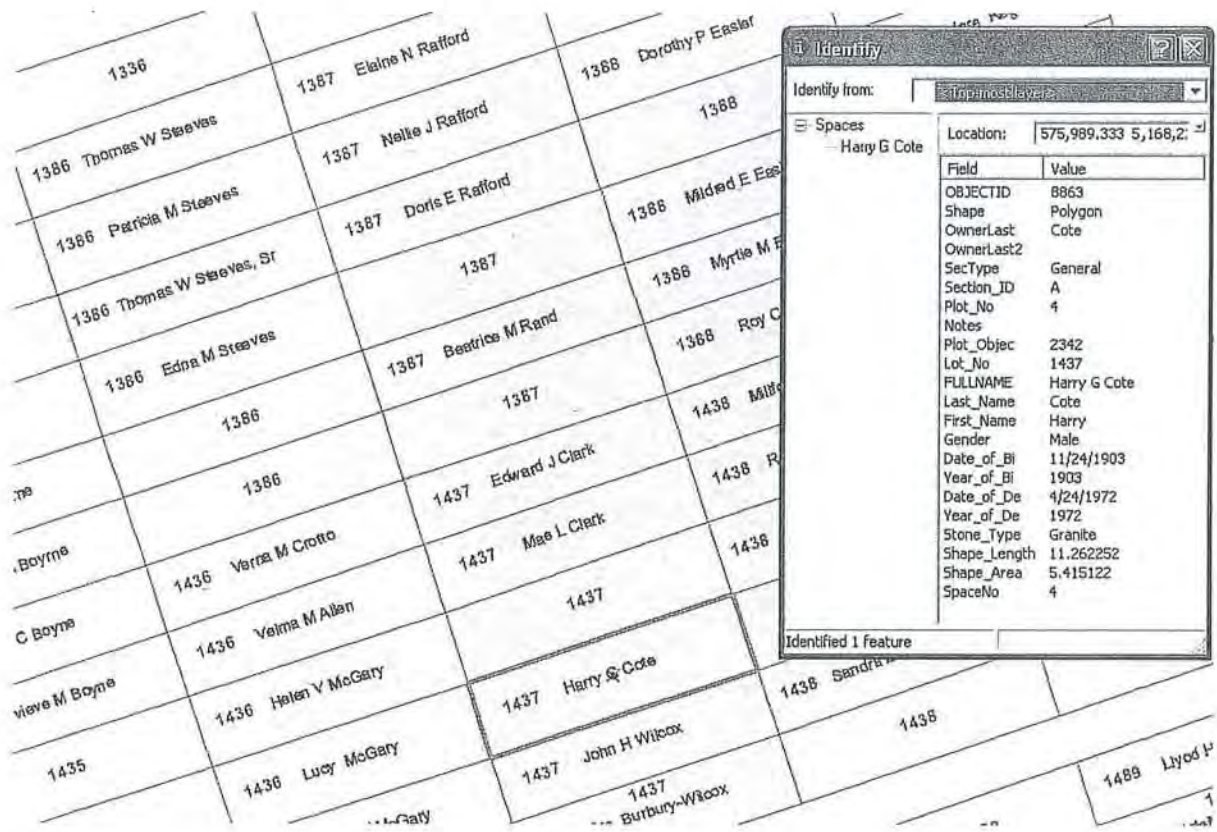
We request to carry forward the remaining funds through the next fiscal year without requesting extra funds from the system office. The remaining funds will be used (1) to pay students to finish data quality control and correction before the end of summer 2010; (2) to pay faculty 2 trips to conferences that relate to GIS and cemetery mapping this fall.

*Attachments: figures and maps attached:*

Figure 1. Lot ownership

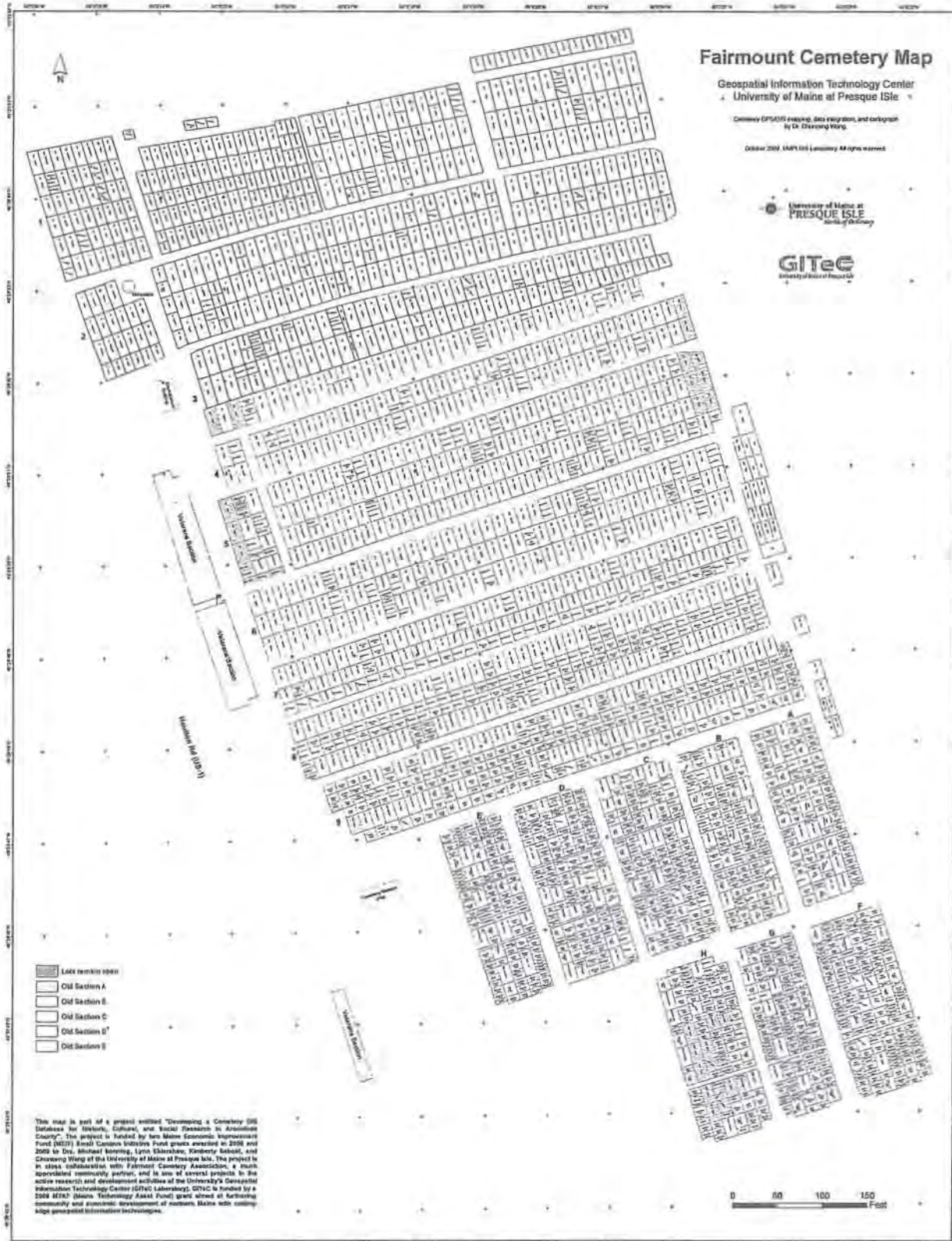


Figure 2. Space/plot burial database



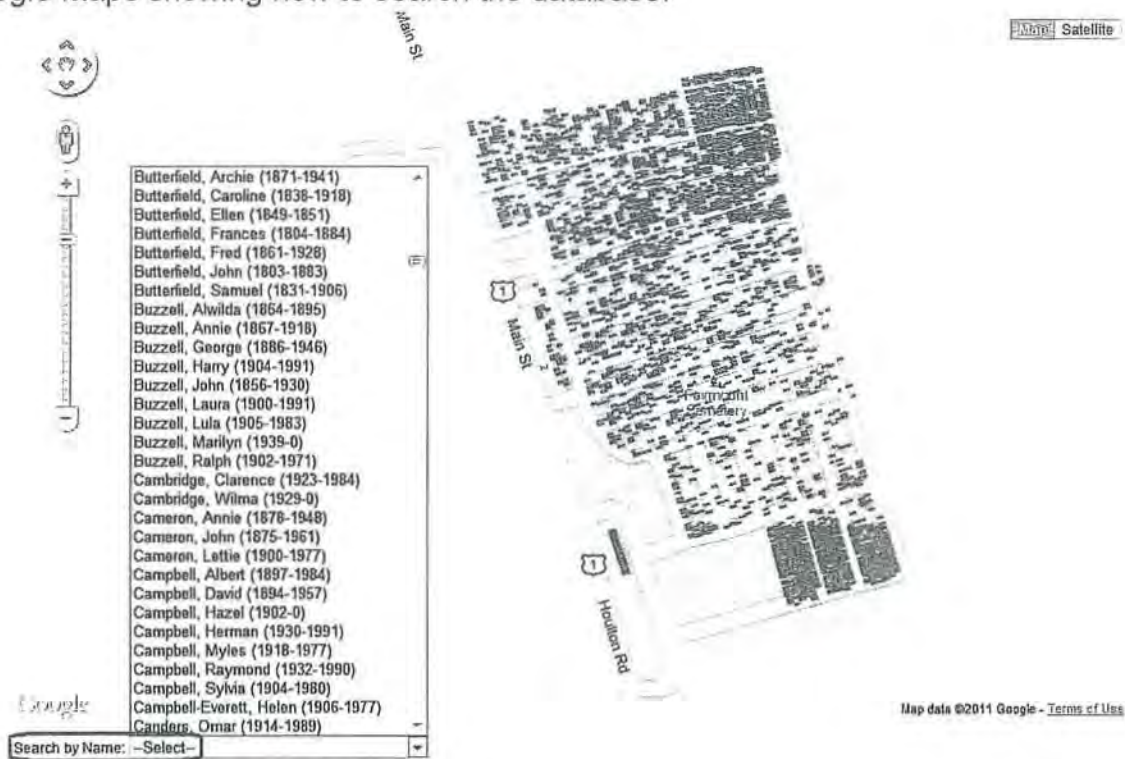


Map 1. The lot ownership for the entire cemetery

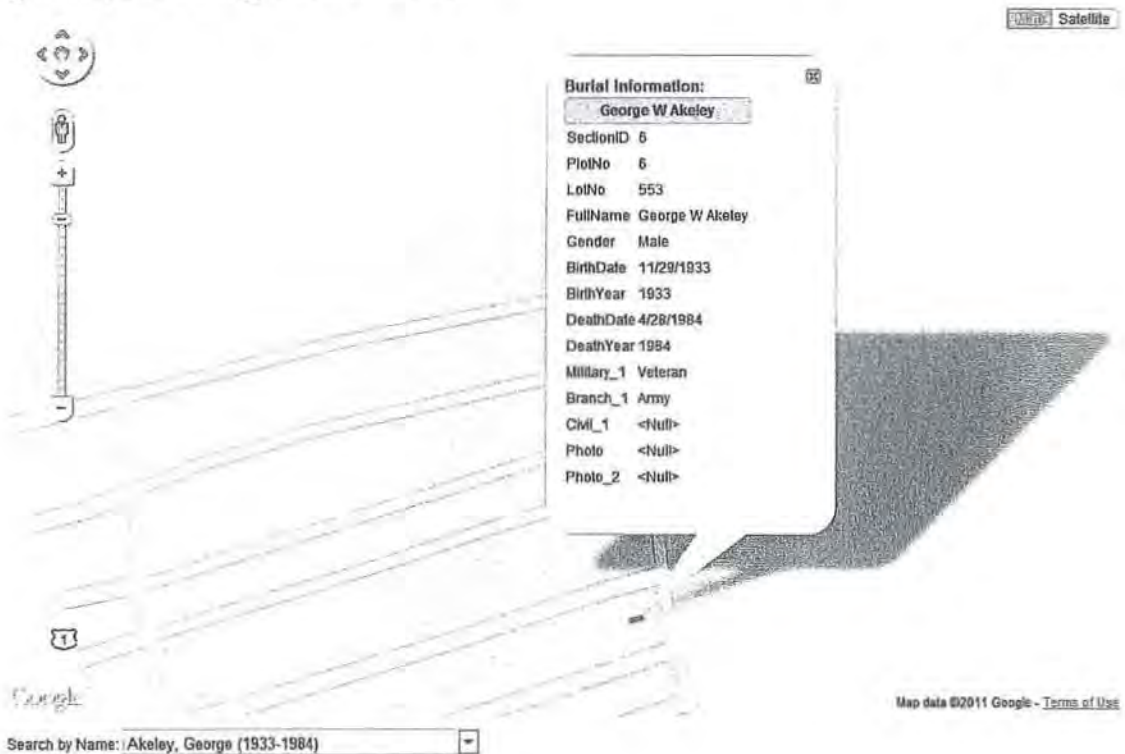


**Appendix B: The Google Maps API on the website** (<http://www.fairmountcemeterypresqueisle.com>)

Google Maps showing how to search the database:



Google Maps showing search result:





# Appendices:

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**Recommended Revision to add definition of what “Good Condition and Repair” means**

**13 §1101-A. DEFINITION**

**13 §1101-A. DEFINITION**

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

**1. Ancient burying ground.** "Ancient burying ground" means a private cemetery established before 1880.

[ 1999, c. 700, §2 (NEW) .]

**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.

[ 2003, c. 421, §1 (NEW) .]

**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.

[ 2003, c. 421, §1 (NEW) .]

**4. Good condition and Repair.** “Good condition and repair” means the following: sunken graves will be regarded when they are at a maximum of 3 inches below surrounding ground to match the surrounding ground level; headstones, monuments, or markers designating the burial place will be set at proper height and orientation both vertically and horizontally; the inscriptions are visible and legible; grass in burial place is trimmed at a height of 1.5 to 2.5 inches and optimally not more than 3 inches; grass on encroach on flat grave markers and is kept free of debris such as fallen branches and trash; at woodland and natural growth burial places fallen trees and branches will be cleared on a regular basis; and clinging vines will be controlled so that the burial site is not overcome.



## **Current Statute**

### **13 §1101. MAINTENANCE AND REPAIRS; MUNICIPALITY**

In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year.

## **Recommended Statute Change to standardize definition of a veteran as it pertains to the maintenance of veterans' graves.**

### **13 §1101. MAINTENANCE AND REPAIRS; MUNICIPALITY**

In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which ~~any Revolutionary soldiers or sailors or~~ veterans of the Armed Forces of the United States of America ~~who served in any war~~ are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of said ~~Revolutionary soldiers or sailors or~~ veterans ~~of the Armed Forces of the United States of America who served in any war~~ and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year.

### **30-A §2901. DECORATION OF VETERANS' GRAVES ON MEMORIAL DAY**

**1. Decoration of veterans' graves.** Each municipality, as directed by its municipal officers, annually shall decorate on the day Memorial Day is observed the graves of veterans of the Armed Forces of the United States of America with an American flag and appropriate flag holders.

### **30-A §5723. PUBLIC WORKS**

A municipality may raise or appropriate money to:

**3. Cemeteries.** Provide for public cemeteries; maintain private cemeteries established before 1880; care for graves of veterans and maintain fences around cemeteries in which veterans are buried;



**The Maine Old Cemetery Association (MOCA) is considering submitting this proposed revision to standardize definition of a veteran and distinguish maintenance levels between ancient burying grounds and newer cemeteries.**

**13 §1101. MAINTENANCE AND REPAIRS; MUNICIPALITY**

- a. In any ancient burying ground, as referenced in Title 30-A, section 5723, ~~or public burying ground in which any Revolutionary soldiers or sailors or~~ veterans of the Armed Forces of the United States of America ~~who served in any war~~ are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of ~~said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war~~ and shall to the best of its ability given the location and accessibility of the burial ground keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year.
  
- b. In any ~~ancient burying ground, as referenced in Title 30-A, section 5723, or public~~ burying ground in which ~~any Revolutionary soldiers or sailors or~~ veterans of the Armed Forces of the United States of America ~~who served in any war~~ are buried, the municipality in which said burying ground is located shall keep in good condition and repair all graves, headstones, monuments or markers designating the burial place of ~~said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war~~ and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year.

# Appendices:

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## INFORMATION PAPER

### REQUIREMENTS TO MAINTAIN VETERANS' GRAVES

State Statutes require that all veterans' graves be maintained in "good condition and repair" whether they are in municipal, public or private cemeteries and the grass kept "suitably cut and trimmed" from May 1<sup>st</sup> to September 30<sup>th</sup> of each year. (Title 13, §1101)

Municipalities/counties have either direct or oversight responsibility to ensure all veterans' graves within their jurisdiction/boundary are maintained in accordance with state statutes. (Title 13, §1101 and §1101-D)

The term "good condition and repair" is defined as:

1. *Sunken graves will be re-graded when they are at a maximum of 3 inches below surrounding ground to match the surrounding ground level.*
2. *Headstones, monuments, or markers designating the burial place will be set at proper height and orientation both vertically and horizontally; the inscriptions are to be visible and legible.*
3. *Turf and ground cover:*
  - (a) *Grass in burial place is maintained at a height of 1.5 to 2.5 inches and optimally no more than 3 inches. Grass is trimmed around headstones and other monuments and markers. Turf does not encroach on flat grave markers. The entire grave site is kept free of debris such as fallen branches and trash.*
  - (b) *At woodland and natural growth burial places fallen trees and branches will be cleared on a regular basis; clinging vines will be controlled so that burial site is not overcome.*

Municipalities/counties also have the requirement to ensure that all veterans' graves are marked with a small American Flag (12" x 18" with 24" high wooden staff) for Memorial Day. (Title 30-A, §2901,1.)





## INFORMATION PAPER

### INVENTORY/RECORDING OF VETERANS' GRAVES

While municipalities/counties do not have a specified requirement in law to maintain an inventory of veterans' graves buried in cemeteries within their jurisdiction they do have an implied requirement as noted in State Statutes 13 §1372 and 30A §2901

*13 §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.*

*30A §2901.1. Decoration of veterans' graves on Memorial Day: Each municipality, as directed by its municipal officers, annually shall decorate on the day Memorial Day is observed the graves of veterans of the Armed Forces of the United States of America with an American flag and appropriate flag holders.*

Municipalities/counties have the requirement to ensure that all veterans' graves are marked with a small American Flag (12" x 18" with 24" high wooden staff) for Memorial Day. (Title 30-A, §2901,1.) This would imply that municipalities/counties would have to know which graves are veterans in order to ensure they are marked with a small American Flag on Memorial Day.

The following as a minimum should be kept on a veteran

First Name - Middle Initial - Last Name

Date of Birth - Date of Death

Cemetery where buried – Section – Row - Grave #

Rank - Branch of Service – War Period – Dates of Service





DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT

# Bureau of Veterans' Services

STATE OF MAINE

## INFORMATION PAPER VETERANS GRAVE MARKERS, HEADSTONES, or MEDALLIONS

**IMPORTANT:** By applying for a headstone, marker, medallion, or a replacement stone or marker-your Veteran's cemetery information and location will automatically be entered into the National Gravesite Locator (a searchable database that can assist your friends and family in locating a veteran's grave).

1. **Information:** <http://www.cem.va.gov/hmm/>
2. **Eligibility:** <http://www.cem.va.gov/cem/hmm/eligibility.asp>
3. **Replacement of damaged stones:**  
<http://www.cem.va.gov/cem/hmm/replacements.asp>
4. **Ordering new VA headstones, markers, or medallions:**  
[http://www.cem.va.gov/cem/hmm/order\\_instructions.asp](http://www.cem.va.gov/cem/hmm/order_instructions.asp)

### 5. **Eligibility:**

a. The [Federal] Department of Veterans Affairs (VA) furnishes upon request, at no charge to the applicant, a Government headstone or marker for the unmarked grave of any deceased eligible veteran in any cemetery around the world, regardless of their date of death. The VA may also furnish a headstone or marker for graves that are marked with a private headstone or marker, for veterans that died on or after November 1, 1990.

b. A marked grave is defined as a grave with a privately purchased headstone that displays the name of the veteran and dates of birth and death. When the grave is already marked, applicants will have the option to submit a claim for either a traditional headstone or marker, or the new medallion.

c. When burial or memorialization is in a national cemetery, state veterans' cemetery, or military post/base cemetery, a headstone or marker will be ordered by the cemetery officials based on inscription information provided by the next of kin or authorized representative.

d. Spouses and dependents are not eligible for a Government-furnished headstone or marker unless they are buried in a national cemetery, state veterans' cemetery, or military post/base cemetery.



## **6. Persons Eligible for a Government Headstone, Marker or Medallion in a Private Cemetery**

### **a. Veterans and Members of the Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard)**

(1) Any member of the Armed Forces of the United States who dies on active duty.

(2) Any Veteran who was discharged under conditions other than dishonorable. With certain exceptions, service beginning after September 7, 1980, as an enlisted person, and service after October 16, 1981, as an officer, must be for a minimum of 24 months or the full period for which the person was called to active duty. (Examples include those serving less than 24 months in the Gulf War or Reservists that were federalized by Presidential Act.) Undesirable, bad conduct, and any other type of discharge other than honorable may or may not qualify the individual for Veterans benefits, depending upon a determination made by a VA Regional Office. Cases presenting multiple discharges of varying character are also referred for adjudication to a VA Regional Office.

### **b. Members of Reserve Components and Reserve Officers' Training Corps**

(1) Reservists and National Guard members who, at time of death, were entitled to retired pay under Chapter 1223, title 10, United States Code, or would have been entitled, but for being under the age of 60. Specific categories of individuals eligible for retired pay are delineated in section 12731 of Chapter 1223, title 10, United States Code.

(2) Members of reserve components who die while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while performing active duty for training or inactive duty training, or undergoing such hospitalization or treatment.

(3) Members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force who die under honorable conditions while attending an authorized training camp or on an authorized cruise, while performing authorized travel to or from that camp or cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while engaged in one of those activities.

(4) Members of reserve components who, during a period of active duty for training, were disabled or died from a disease or injury incurred or aggravated in line of duty or, during a period of inactive duty training, were disabled or died from an injury incurred or aggravated in line of duty.

**c. Commissioned Officers, National Oceanic and Atmospheric Administration**

(1) A Commissioned Officer of the National Oceanic and Atmospheric Administration (formerly titled the Coast and Geodetic Survey and the Environmental Science Services Administration) with full-time duty on or after July 29, 1945.

(2) A Commissioned Officer who served before July 29, 1945, and;

(a) Was assigned to an area of immediate military hazard while in time of war, or of a Presidentially declared national emergency as determined by the Secretary of Defense;

(b) Served in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter; or,

(c) Transferred to the Department of the Army or the Department of the Navy under the provisions of the Act of May 22, 1917 (40 Stat. 87; 33 U.S.C. § 855).

**d. Public Health Service**

(1) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who served on full-time duty on or after July 29, 1945. If the service of the particular Public Health Service Officer falls within the meaning of active duty for training, as defined in section 101(22), title 38, United States Code, he or she must have been disabled or died from a disease or injury incurred or aggravated in the line of duty.

(2) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who performed full-time duty prior to July 29, 1945:

(a) In time of war;

(b) On detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or,

(c) While the Service was part of the military forces of the United States pursuant to Executive Order of the President.

(3) A Commissioned Officer serving on inactive duty training as defined in section 101(23), title 38, United States Code, whose death resulted from an injury incurred or aggravated in the line of duty.

**e. World War II Merchant Mariners**

(1) United States Merchant Mariners with oceangoing service during the period of armed conflict, December 7, 1941, to December 31, 1946. Prior to the enactment of Public Law 105-368, United States Merchant Mariners with oceangoing service during

the period of armed conflict of December 7, 1941, to August 15, 1945, were eligible. With enactment of Public Law 105-368, the service period is extended to December 31, 1946, for those dying on or after November 11, 1998. A DD-214 documenting this service may be obtained by submitting an application to Commandant (G-MVP-6), United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593. Notwithstanding, the Mariner's death must have occurred after the enactment of Public Law 105-368 and the interment not violate the applicable restrictions while meeting the requirements held therein.

(2) United States Merchant Mariners who served on blockships in support of Operation Mulberry during World War II.

# GENERAL INFORMATION SHEET

## CLAIM FOR STANDARD GOVERNMENT HEADSTONE OR MARKER FOR PLACEMENT IN A PRIVATE CEMETERY OR A STATE VETERANS' CEMETERY

**RESPONDENT BURDEN** - Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. VA cannot conduct or sponsor a collection of information unless it has a valid OMB number. Your obligation to respond is voluntary, however, your response is required to obtain benefits. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the VA Clearance Officer (005R1B), 810 Vermont Avenue, NW, Washington, DC 20420. Please DO NOT send claims for benefits to this address.

### BENEFIT PROVIDED

#### a. HEADSTONE OR MARKER

*Only for Veterans who died on or after November 1, 1990* - Furnished for the grave of any eligible deceased Veteran. Will be provided for placement in private cemeteries regardless of whether or not the grave is already marked with a privately-purchased headstone or marker.

*Only for Veterans who died before November 1, 1990* - Furnished for the UNMARKED GRAVE of any eligible deceased Veteran. The applicant must certify the grave is unmarked. For Veterans that served prior to World War I, a grave is considered marked when a headstone/marker displays the decedent's name only, or if the name was historically documented in a related document, such as by a number that is inscribed on a grave block and is recorded in a burial ledger. For service during and after World War I, a grave is considered marked if a headstone/marker displays the decedent's name and date of birth and/or death, even though the Veteran's military data is not shown.

b. MEMORIAL HEADSTONE OR MARKER - Furnished for placement in a cemetery only to commemorate a deceased eligible Veteran whose remains have not been recovered or identified, were buried at sea, donated to science, or cremated and the remains scattered. May not be used as a memento. Check box in block 28 and explain in block 27.

c. MEDALLION - Eligible Veterans may receive a Government-furnished headstone or marker, or a medallion, but not both. *If requesting a medallion, please use VA Form 40-1330M.*

**WHO IS ELIGIBLE** - Any deceased Veteran discharged under honorable conditions and any member of the Armed Forces of the United States who dies on active duty. A deceased Veteran discharged under conditions other than honorable may also be eligible. A copy of the deceased Veteran's discharge certificate (DD Form 214 or equivalent) or a copy of other official document(s) establishing qualifying military service must be attached. **Do not send original documents;** they will not be returned. **Service after September 7, 1980, must be for a minimum of 24 months continuous active duty or be completed under special circumstances, e.g., death on active duty.** Persons who have only limited active duty service for training while in the National Guard or Reserves are not eligible unless there are special circumstances, e.g., death while on active duty, or as a result of training. Reservists and National Guard members who, at time of death, were entitled to retired pay, or would have been entitled, but for being under the age of 60, are eligible; a copy of the Reserve Retirement Eligibility Benefits Letter must accompany the claim. Reservists called to active duty other than training and National Guard members who are Federalized and who serve for the period called are eligible. Service prior to World War I requires detailed documentation, e.g., muster rolls, extracts from State files, military or State organization where served, pension or land warrant, etc.

**WHO CAN APPLY** - Federal regulation defines "applicant" as the decedent's Next-of-Kin (NOK); a person authorized in writing by the NOK; or a personal representative authorized in writing by the decedent. Written authorization must be included with claim. A notarized statement is not required.

### HOW TO SUBMIT A CLAIM

FAX claims and supporting documents to 1-800-455-7143.

**IMPORTANT:** If faxing more than one claim - fax each claim package (claim plus supporting documents) individually, i.e., disconnect the call and redial for each submission.

MAIL claims to: **Memorial Programs Service (41B)**  
**Department of Veterans Affairs**  
**5109 Russell Road**  
**Quantico, VA 22134-3903**

*A Government headstone or marker may be furnished only upon receipt of a fully completed and signed claim with required supporting documentation.*

**SIGNATURES REQUIRED** - The applicant signs in block 17; the person agreeing to accept delivery (consignee) in block 22, and the cemetery or other responsible official in block 24. If there is no official on duty at the cemetery, the signature of the person responsible for the property listed in block 21 is required. Entries of "None," "Not Applicable," or "NA" cannot be accepted. State Veterans' Cemeteries are not required to complete blocks 17, 18, 22 and 23.

**ASSISTANCE NEEDED** - If assistance is needed to complete this claim, contact the nearest VA Regional Office, national cemetery, or a local veterans' organization. No fee should be paid in connection with the preparation of this claim. Use block 27 for any clarification or other information you wish to provide. Should you have questions when filling out this form, you may contact our Applicant Assistance Unit toll free at: 1-800-697-6947, or via e-mail at [mps.headstones@va.gov](mailto:mps.headstones@va.gov).

**TRANSPORTATION AND DELIVERY OF MARKER** - The headstone or marker is shipped without charge to the consignee designated in block 19 of the claim. **The delivery will not be made to a Post Office box.** The consignee should be a business with full delivery address and telephone number. If the consignee is not a business explain fully in block 27. For delivery to a Rural Route address, you must include a daytime telephone number including area code in block 20. If you fail to include the required address and telephone number information, we cannot deliver the marker. The Government is not responsible for costs to install the headstone or marker in private cemeteries.

**CAUTION** - *To avoid delays in the production and delivery of the headstone or marker, please check carefully to be sure you have accurately furnished all required information before faxing or mailing the claim. If inaccurate information is furnished, it may result in an incorrectly inscribed headstone or marker. Headstones and markers furnished remain the property of the United States Government and may not be used for any purpose other than to be placed at an eligible individual's grave or in a memorial section within a cemetery.*

**ATTACH AND RETAIN THIS GENERAL INFORMATION SHEET FOR YOUR RECORDS.**

# ILLUSTRATIONS OF STANDARD GOVERNMENT HEADSTONES AND MARKERS

UPRIGHT HEADSTONE  
WHITE MARBLE OR  
LIGHT GRAY GRANITE



This headstone is 42 inches long, 13 inches wide and 4 inches thick. Weight is approximately 230 pounds. Variations may occur in stone color, and the marble may contain light to moderate veining.

BRONZE NICHE



This niche marker is 8-1/2 inches long, 5-1/2 inches wide, with 7/16 inch rise. Weight is approximately 3 pounds; mounting bolts and washers are furnished with the marker. Used for columbarium or mausoleum interment. Also provided to supplement a privately-purchased headstone or marker for eligible Veterans who died on or after November 1, 1990 and are buried in a private cemetery.

FLAT MARKERS  
BRONZE



This grave marker is 24 inches long, 12 inches wide, with 3/4 inch rise. Weight is approximately 18 pounds. Anchor bolts, nuts and washers for fastening to a base are furnished with the marker. The base is not furnished by the Government.

LIGHT GRAY GRANITE OR WHITE MARBLE



This grave marker is 24 inches long, 12 inches wide, and 4 inches thick. Weight is approximately 130 pounds. Variations may occur in stone color; the marble may contain light to moderate veining.

**NOTE:** Civil War Era headstones - In addition to the headstone and markers pictured, two special styles of upright headstones are available for those who served with Union Forces during the Civil War or for those who served in the Spanish-American War, and another for those who served with the Confederate States of America during the Civil War. Requests for these special styles should be made in block 27 of the claim. It is necessary to submit detailed documentation that supports eligibility. Inscriptions on these headstone types are intentionally limited to assure historic accuracy. For example, only rank above 'Private' was historically authorized; emblems of belief and the words 'Civil War' are not provided.

## INSCRIPTION INFORMATION

**MEMORIAL HEADSTONES AND MARKERS** (remains are not buried). The words "In Memory Of" are mandatory and precede the authorized inscription data. The words "In Memory Of" are only inscribed when remains are not available.

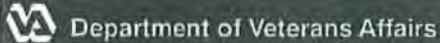
**MANDATORY ITEMS** of inscription at Government expense are: Legal Name, Branch of Service, Year of Birth, Year of Death, and for State Veterans and National Cemeteries only, the section and grave number. Branches of Service are: U.S. Army (USA), U.S. Navy (USN), U.S. Air Force (USAF), U.S. Marine Corps (USMC), U.S. Coast Guard (USCG), U.S. Army Air Forces (USAAF), and other parent organizations authorized for certain periods of time; and special units such as Women's Army Auxiliary Corps (WAAC), Women's Air Force Service Pilots (WASP), U.S. Public Health Service (USPHS), and National Oceanic & Atmospheric Administration (NOAA). Different examples of inscription formats are illustrated above. More than one branch of service is permitted, subject to space availability.

**OPTIONAL ITEMS** are identified on the claim in boxes with bold outlines. These items may be included at Government expense if desired. Optional items include month and day of birth in block 5A, month and day of death in block 5B, highest rank attained in block 7, awards in block 9, war service in block 10, and emblem of belief in block 12. War service includes active duty service during a recognized period of war and the individual does not have to serve in the actual place of war, e.g., Vietnam may be inscribed if the Veteran served during the Vietnam War period, even though the individual never served in the country. Supporting documentation must be included with the claim if you wish to include the highest rank and/or awards.

**ADDITIONAL ITEMS** may be inscribed at Government expense if they are requested on the initial claim and space is available. Examples of additional items include appropriate terms of endearment, nicknames (in expressions such as "OUR BELOVED POPPY"), military or civilian credentials or accomplishments such as DOCTOR, REVEREND, etc., and special unit designations such as WOMEN'S ARMY CORPS, ARMY AIR CORPS, ARMY NURSE CORPS or SEABEES. All requests for additional inscription items should be stated in block 27, and are subject to VA approval. No graphics, emblems or pictures are permitted except available emblems of belief, the Medal of Honor, and the Southern Cross of Honor for Civil War Confederates.

**RESERVED SPACE** for future inscriptions at private expense, such as spousal or dependent data, is allowed if requested in block 27 and if space is available. Only two lines of space may be reserved on flat markers due to space limitations. Reserved space is unnecessary on upright marble or granite headstones as the reverse side is available for future inscriptions.

**INCOMPLETE OR INACCURATE INFORMATION ON THE CLAIM MAY RESULT IN ITS RETURN TO THE CLAIMANT, A DELAY IN RECEIPT OF THE HEADSTONE OR MARKER, OR AN INCORRECT INSCRIPTION.**



1. FOR VA USE ONLY

**IMPORTANT:** Please read the General Information Sheet before completing this form. Type or print clearly all information except for signatures. Illegible printing could result in an incorrect headstone or marker or delivery. **Blocks outlined in bold are optional inscription items. Unless indicated otherwise all other blocks must be completed. MILITARY DISCHARGE DOCUMENTS OR RELATED SERVICE INFORMATION ARE REQUIRED.**

2. NAME OF DECEASED TO BE INSCRIBED ON HEADSTONE OR MARKER (NO NICKNAMES OR TITLES PERMITTED)				3. GRAVE IS:	
FIRST (Or Initial)	MIDDLE (Or Initial)	LAST	SUFFIX	<input type="checkbox"/> CURRENTLY MARKED (with privately purchased marker)	<input type="checkbox"/> NOT MARKED

**VETERAN'S SERVICE AND IDENTIFYING INFORMATION (Use numbers only, e.g., 05-15-1941)**

4. VETERAN'S SOCIAL SECURITY NO. OR SERVICE NO.			PERIODS OF ACTIVE MILITARY DUTY (For additional space use Block 27)					
SSN: _____ OR SVC. NO.: _____			6A. DATE(S) ENTERED			6B. DATE(S) SEPARATED		
			MONTH	DAY	YEAR	MONTH	DAY	YEAR
5A. DATE OF BIRTH			5B. DATE OF DEATH					
MONTH	DAY	YEAR	MONTH	DAY	YEAR			

7. HIGHEST RANK ATTAINED (No pay grades)	8. BRANCH OF SERVICE (Check applicable box(es) - must be consistent with rank in Box 7)							
	ARMY	NAVY	MARINE CORPS	COAST GUARD	AIR FORCE	ARMY AIR FORCES	MERCHANT MARINE	OTHER (Specify)

9. VALOR OR PURPLE HEART AWARD(S) (Documentation must be provided)						10. WAR SERVICE (Check applicable box(es))						
MEDAL OF HONOR	DST CROSS	SVC CROSS	NAVY AIR CROSS	FORCE STAR	SILVER STAR	PURPLE HEART	OTHER (Specify)	WORLD WAR II	KOREA	VIETNAM	PERSIAN GULF	OTHER (Specify)

11. TYPE OF HEADSTONE OR MARKER REQUESTED (Check one)						12. DESIRED EMBLEM OF BELIEF	
FLAT BRONZE	FLAT GRANITE	UPRIGHT MARBLE	FLAT MARBLE	BRONZE NICHE	UPRIGHT GRANITE	NONE	EMBLEM NUMBER (Specify) (See reverse side of this form for available emblems)
<input type="checkbox"/> B	<input type="checkbox"/> G	<input type="checkbox"/> U	<input type="checkbox"/> F	<input type="checkbox"/> Z	<input type="checkbox"/> V	<input type="checkbox"/>	<input type="checkbox"/>

13A. NAME AND MAILING ADDRESS OF APPLICANT (No., Street, City, State, and ZIP Code)	13B. DAYTIME PHONE NO. OF APPLICANT
	14. E-MAIL ADDRESS (Optional)
	15. FAX NO. (Optional)

16. ARE YOU:

NEXT OF KIN (Specify relationship)       AUTHORIZED REPRESENTATIVE ON BEHALF OF DECEDENT (Include Written Authorization)       AUTHORIZED REPRESENTATIVE ON BEHALF OF NEXT OF KIN (Include Written Authorization)

**CERTIFICATION:** By signing below I certify the headstone or marker will be installed in the cemetery listed in block 21 at no expense to the Government and all information entered on this form is true and correct to the best of my knowledge.

17. SIGNATURE OF APPLICANT		18. DATE (MM/DD/YYYY)
19. NAME AND DELIVERY ADDRESS OF BUSINESS (CONSIGNEE) THAT WILL ACCEPT PREPAID DELIVERY (No., Street, City, State, and ZIP Code); P.O. BOX IS NOT ACCEPTABLE	20. DAYTIME PHONE NO. (Include Area Code)	21. NAME AND ADDRESS OF CEMETERY WHERE GRAVE IS LOCATED (No., Street, City, State, and ZIP Code)

**CERTIFICATION:** By signing below I agree to accept prepaid delivery of the headstone or marker.

22. PRINTED NAME AND SIGNATURE OF PERSON REPRESENTING BUSINESS (CONSIGNEE) NAMED IN BLOCK 19	23. DATE (MM/DD/YYYY)
--	-----------------------

**CERTIFICATION:** By signing below I certify the type of headstone or marker checked in block 11 is permitted in the cemetery named in block 21.

24. PRINTED NAME AND SIGNATURE OF CEMETERY OR OTHER RESPONSIBLE OFFICIAL	25. DAYTIME PHONE NO. (Include Area Code)	26. DATE (MM/DD/YYYY)
--	---	-----------------------

27. REMARKS (Additional inscription space will vary in size according to the type of marker)

28. CHECK BOX BELOW IF REMAINS ARE NOT BURIED AND EXPLAIN IN BLOCK 27 (e.g., buried at sea, remains scattered, etc.)	29. SECTION/GRAVE NO. (State Cemetery Only)
<input type="checkbox"/> REMAINS NOT BURIED	

## AVAILABLE EMBLEMS (See block 12)

The graphics shown below are of 20 representative emblems of belief for placement on Government-furnished headstones/markers.



(1)  
LATIN CROSS



(2)  
BUDDHIST



(3)  
JUDAISM  
(Star of David)



(4)  
PRESBYTERIAN CROSS



(5)  
RUSSIAN ORTHODOX CROSS



(6)  
LUTHERAN CROSS



(7)  
EPISCOPAL CROSS



(8)  
UNITARIAN CHURCH  
(Flaming Chalice)



(9)  
UNITED METHODIST CHURCH



(10)  
AARONIC ORDER CHURCH



(11)  
MORMON-ANGEL MORONI



(12)  
NATIVE AMERICAN CHURCH  
OF NORTH AMERICA



(13)  
SERBIAN ORTHODOX



(14)  
GREEK CROSS



(17)  
MUSLIM  
CRESCENT AND STAR



(20)  
COMMUNITY OF CHRIST



(21)  
SUFISM REORIENTED



(27)  
UNITED MORAVIAN CHURCH



(29)  
CHRISTIAN CHURCH



(31)  
UNITED CHURCH OF CHRIST

### EMBLEMS OF BELIEF AVAILABLE:

- |  |   |
|--|---|
| <p>LATIN CROSS (01)<br/>                 BUDDHIST (Wheel of Righteousness) (02)<br/>                 JUDAISM (Star of David) (03)<br/>                 PRESBYTERIAN CROSS (04)<br/>                 RUSSIAN ORTHODOX CROSS (05)<br/>                 LUTHERAN CROSS (06)<br/>                 EPISCOPAL CROSS (07)<br/>                 UNITARIAN CHURCH (Flaming Chalice) (08)<br/>                 UNITED METHODIST CHURCH (09)<br/>                 AARONIC ORDER CHURCH (10)<br/>                 MORMON (Angel Moroni) (11)<br/>                 NATIVE AMERICAN CHURCH OF NORTH AMERICA (12)<br/>                 SERBIAN ORTHODOX (13)<br/>                 GREEK CROSS (14)<br/>                 BAHAI (9 Pointed Star) (15)<br/>                 ATHEIST (16)<br/>                 MUSLIM (Crescent and Star) (17)<br/>                 HINDU (18)<br/>                 KONKO-KYO FAITH (19)<br/>                 COMMUNITY OF CHRIST (20)<br/>                 SUFISM REORIENTED (21)<br/>                 TENRIKYO CHURCH (22)<br/>                 SIECHO-NO-IE (23)<br/>                 THE CHURCH OF WORLD MESSIANITY (Izunome) (24)<br/>                 UNITED CHURCH OF RELIGIOUS SCIENCE (25)<br/>                 CHRISTIAN REFORMED CHURCH (26)<br/>                 UNITED MORAVIAN CHURCH (27)<br/>                 ECKANKAR (28)</p> | <p>CHRISTIAN CHURCH (29)<br/>                 CHRISTIAN &amp; MISSIONARY ALLIANCE (30)<br/>                 UNITED CHURCH OF CHRIST (31)<br/>                 HUMANIST (AMERICAN HUMANIST ASSOCIATION) (32)<br/>                 PRESBYTERIAN CHURCH (USA) (33)<br/>                 IZUMO TAISHAKYO MISSION OF HAWAII (34)<br/>                 SOKA GAKKAI INTERNATIONAL - USA (35)<br/>                 SIKH (KHANDA) (36)<br/>                 WICCAN (37)<br/>                 LUTHERAN CHURCH MISSOURI SYNOD (38)<br/>                 NEW APOSTOLIC CHURCH (39)<br/>                 SEVENTH DAY ADVENTIST CHURCH (40)<br/>                 CELTIC CROSS (41)<br/>                 ARMENIAN CROSS (42)<br/>                 FAROHAR (43)<br/>                 MESSIANIC JEWISH (44)<br/>                 KOHEN HANDS (45)<br/>                 CATHOLIC CELTIC CROSS (46)<br/>                 THE FIRST CHURCH OF CHRIST, SCIENTIST (Cross and Crown) (47)<br/>                 MEDICINE WHEEL (48)<br/>                 INFINITY (49)<br/>                 LUTHER ROSE (51)<br/>                 LANDING EAGLE (52)<br/>                 FOUR DIRECTIONS (53)<br/>                 CHURCH OF NAZARENE (54)<br/>                 MUSLIM (Islamic 5 Pointed Star) (98)</p> |
|--|---|

To obtain the most recent information about headstones and markers including the complete and most current list of available emblems of belief (listing all names and graphics), please visit our website at [www.cem.va.gov](http://www.cem.va.gov). You may also request a copy of this list by contacting our Applicant Assistance Unit toll free at 1-800-697-6947, or via e-mail at: [mps.headstones@va.gov](mailto:mps.headstones@va.gov).

## GENERAL INFORMATION SHEET

### CLAIM FOR GOVERNMENT MEDALLION FOR PLACEMENT IN A PRIVATE CEMETERY

**RESPONDENT BURDEN** - Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. VA cannot conduct or sponsor a collection of information unless it has a valid OMB number. Your obligation to respond is voluntary, however, your response is required to obtain benefits. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the VA Clearance Officer (005R1B), 810 Vermont Avenue, NW, Washington, DC 20420. Please DO NOT send applications for benefits to this address.

#### **BENEFIT PROVIDED - MEDALLION (Only for Veterans who died on or after November 1, 1990)**

Furnished upon receipt of claim for affixing to an existing privately-purchased headstone or marker placed at the gravesite of an eligible deceased Veteran who is buried in a private cemetery. The medallion is made of bronze and available in three approximate sizes: 5 inches, 3 inches, and 1-1/2 inches. Each medallion is inscribed with the word VETERAN across the top and the Branch of Service at the bottom (*see Note in Block 6 of the claim for further information*). Eligible Veterans may receive a Government furnished headstone or marker, or a medallion, but not both. *If requesting a headstone or marker, please use the VA Form 40-1330.*

Shown below are the three medallions with the maximum dimensions for height and length.



**Five inch Medallion**  
Dimensions: 6 1/2" W, 4 3/4" H, 1/2" D



**Three inch Medallion**  
Dimensions: 3 3/4" W, 2 3/4" H, 1/4" D



**One-and-one-half inch Medallion**  
Dimensions: 2" W, 1 1/2" H, 1/4" D

**WHO IS ELIGIBLE** - Any member of the Armed Forces of the United States who dies on active duty and is buried in a private cemetery in a grave marked with a privately purchased headstone or marker. Any deceased Veteran discharged under honorable conditions, who died on or after November 1, 1990, and buried in a private cemetery in a grave marked with a privately purchased headstone or marker. A deceased Veteran discharged under conditions other than honorable, who died on or after November 1, 1990, and is buried in a private cemetery in a grave marked with a privately purchased headstone or marker, may also be eligible. A copy of the deceased Veteran's discharge certificate (DD Form 214 or equivalent) or a copy of other official document(s) establishing qualifying military service must be attached. **Do not send original documents; they will not be returned. Service after September 7, 1980, must be for a minimum of 24 months continuous active duty or be completed under special circumstances, e.g., death on active duty.** Persons who have only limited active duty service for training while in the National Guard or Reserves are not eligible unless there are special circumstances, e.g., death while on active duty, or as a result of training. Reservists and National Guard members who, at time of death, were entitled to retired pay, or would have been entitled, but for being under the age of 60, are eligible; a copy of the Reserve Retirement Eligibility Benefits Letter must accompany the claim. Reservists called to active duty other than training and National Guard members who are Federalized and who serve for the period called are eligible.

**WHO CAN APPLY** - Federal regulation defines "applicant" as the decedent's Next of Kin (NOK); a person authorized in writing by the NOK; or a personal representative authorized in writing by the decedent. Written authorization must be included with claim. A notarized statement is not required.

#### **HOW TO SUBMIT A CLAIM**

FAX claims and supporting documents to: 1-800-455-7143.

**IMPORTANT:** If faxing more than one claim - fax each claim package (*claim plus supporting documents*) individually (*disconnect the call and redial for each submission*).

MAIL claims to: **Memorial Programs Service (41B)**  
Department of Veterans Affairs  
5109 Russell Road  
Quantico, VA 22134-3903

*A VA medallion may be furnished only upon receipt of a fully completed and signed claim with required supporting documentation.*

**SIGNATURES REQUIRED** - The applicant must sign in Block 12A. The applicant must be the Next of Kin or an authorized representative of the decedent or the Next of Kin.

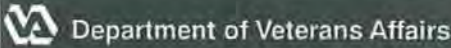
**ASSISTANCE NEEDED** - If assistance is needed to complete this claim, you may contact our Applicant Assistance Unit toll free at: 1-800-697-6947, or via e-mail at [meps.headstones@va.gov](mailto:meps.headstones@va.gov). No fee should be paid in connection with the preparation of this claim. For more information regarding medallion eligibility, affixing procedures, and sizes, visit our website at [www.cem.va.gov](http://www.cem.va.gov).

**DELIVERY** - The medallion is shipped without charge to the name/address designated in Block 13 of the claim. The Government is not responsible for costs associated with affixing the medallion to the privately purchased headstone or marker. Appropriate affixing adhesives, hardware and instructions are provided with the medallion.

**CAUTION** - *To avoid delays in the production and delivery of the medallion, please check carefully to be sure you have accurately furnished all required information and documents before faxing or mailing the claim. The Government is not responsible for costs associated with affixing the medallion to the privately purchased headstone or marker. Medallions furnished remain the property of the United States Government and may not be used for any purpose other than to be affixed to the privately purchased headstone or marker of an eligible deceased Veteran buried in a private cemetery.*

**DETACH AND RETAIN THIS GENERAL INFORMATION SHEET FOR YOUR RECORDS.**





## CLAIM FOR GOVERNMENT MEDALLION FOR PLACEMENT IN A PRIVATE CEMETERY

**IMPORTANT:** Please read the General Information Sheet before completing this claim. Type or print clearly all information except for signatures. Illegible printing could result in incorrect delivery of the medallion. Unless indicated otherwise all other blocks must be completed. **MILITARY DISCHARGE DOCUMENTS OR RELATED SERVICE INFORMATION ARE REQUIRED.**

1. NAME OF DECEASED VETERAN						2. GRAVE IS:					
FIRST (Or Initial)		MIDDLE (Or Initial)		LAST		SUFFIX					
						<input type="checkbox"/> CURRENTLY MARKED (with privately purchased marker)					
						<input type="checkbox"/> NOT MARKED					
VETERAN'S SERVICE AND IDENTIFYING INFORMATION (Use numbers only, e.g., 05-15-1941)											
3. VETERAN'S SOCIAL SECURITY NO. OR SERVICE NO.				PERIODS OF ACTIVE MILITARY DUTY							
SSN:		SVC. NO.:		5A. DATE(S) ENTERED			5B. DATE(S) SEPARATED				
				MONTH	DAY	YEAR	MONTH	DAY	YEAR		
4A. DATE OF BIRTH			4B. DATE OF DEATH								
MONTH	DAY	YEAR	MONTH	DAY	YEAR						
6. BRANCH OF SERVICE (BOS) (Check applicable box(es)) NOTE: If one BOS is selected, it will be spelled out on the medallion, i.e. U.S. ARMY, U.S. AIR FORCE, etc. If more than one BOS is selected, they will be abbreviated on the medallion, i.e. USA, USAF, USN, USMC, USCG, etc.							7. MEDALLION SIZE REQUESTED (Check one) (Refer to instructions for exact sizes)				
<input type="checkbox"/> ARMY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> COAST GUARD <input type="checkbox"/> MERCHANT MARINE							<input type="checkbox"/> 5 INCH (M5)				
<input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input type="checkbox"/> ARMY AIR FORCES (WW II) <input type="checkbox"/> OTHER (USAAC, WAAC, etc.) (Specify) _____							<input type="checkbox"/> 3 INCH (M3)				
							<input type="checkbox"/> 1-1/2 INCH (M1)				
8. NAME AND MAILING ADDRESS OF APPLICANT (No., Street, City, State, and ZIP Code)				9. ARE YOU:				10. DAYTIME PHONE NO. OF APPLICANT			
				<input type="checkbox"/> NEXT OF KIN (Specify Relationship) _____							
				<input type="checkbox"/> AUTHORIZED REPRESENTATIVE ON BEHALF OF DECEDENT (Include Written Authorization)				11. E-MAIL ADDRESS (Optional)			
				<input type="checkbox"/> AUTHORIZED REPRESENTATIVE ON BEHALF OF NEXT OF KIN (Include Written Authorization)							
<b>CERTIFICATION:</b> By signing below I certify the medallion will be affixed to a privately purchased headstone or marker in the cemetery listed in Block 15 at no expense to the Government, and that I (or the party listed in Block 13) have agreed to accept delivery, and all information entered on this claim is true and correct to the best of my knowledge.											
12A. SIGNATURE OF APPLICANT					12B. DATE (MM/DD/YYYY)						
13. NAME AND DELIVERY ADDRESS FOR MEDALLION (No., Street, City, State, and ZIP Code); (If same as applicant, please enter SAME)				14. DAYTIME PHONE NO. (Include Area Code)		15. NAME AND ADDRESS OF CEMETERY WHERE PRIVATELY PURCHASED HEADSTONE OR MARKER OF THE DECEASED VETERAN IS LOCATED (No., Street, City, State, and ZIP Code)					