

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND SPECIAL SESSION

ONE HUNDRED AND THIR D LEGISLATURE

Legislative Document

No. 1779

H. P. 1273

House of Representatives, January 9, 1968

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lewin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

AN ACT to Clarify the Law for Establishment of the Maine Veterans Memorial Cemetery.

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

Whereas, the 102nd Legislature in regular session by chapter 422 of the public laws of 1965 established the Maine Veterans Memorial Cemetery; and

Whereas, the general law relating to cemeteries deals with local and private cemeteries and not with state cemeteries such as the Veterans Memorial Cemetery; and

Whereas, the general law should not be applied to a state cemetery; and

Whereas, in order to facilitate the establishment of a Veterans Memorial Cemetery the following legislation is vitally necessary; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 13, § 1181, amended. Section 1181 of Title 13 of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

This section shall not apply to land acquired under Title 37, section 21.

Sec. 2. R. S., T. 13, § 1303, amended. The first paragraph of section 1303 of Title 13 of the Revised Statutes is amended to read as follows:

Every cemetery, **except Veterans Memorial Cemetery established under Title 37, 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.

Sec. 3. R. S., T. 37, § 21, amended. Section 21 of Title 37 of the Revised Statutes, as enacted by section 1 of chapter 422 of the public laws of 1965, is amended to read as follows:

§ 21. Land purchase

The Commissioner of Veterans Services shall acquire by purchase, gift or otherwise from the owners thereof, at such price as shall be mutually agreed upon between the commissioner and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions of **this chapter** for a Veterans Memorial Cemetery, and obtain from such owners the title in fee simple for the same. Such real estate shall be not less than 50 acres and shall be near the center of population of the State of Maine.

Sec. 4. R. S., T. 37, § 25, amended. The first sentence of section 25 of Title 37 of the Revised Statutes, as enacted by section 1 of chapter 422 of the public laws of 1965, is amended to read as follows:

Any ~~veteran person~~ without regard to race, creed or color, who served on **active duty** in the United States Armed Forces during any **federally** recognized period of conflict, **including the Korean Campaign and the Viet Nam War**, or was eligible for Armed Forces Expeditionary Medal ~~or Navy and Marine Corps Expeditionary Medal~~ or **campaign medal** and, **who, if discharged**, received an honorable discharge may be buried in this cemetery without charge, if he ~~entered service from Maine or has lived in Maine for 5 years immediately prior to his death~~, **while a resident of Maine, entered service from Maine or was at the time of his death a resident of Maine.**

Sec. 5. R. S., T. 37, § 26, amended. Section 26 of Title 37 of the Revised Statutes, as enacted by section 1 of chapter 422 of the public laws of 1965, is amended to read as follows:

§ 26. Regulations

The Commissioner of Veterans Services shall be authorized to make such regulations ~~regarding burials, maintenance and operation of the cemetery~~ as he deems necessary which are not in conflict with this chapter.

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