

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 796

H.P. 585 House of Representatives, March 17, 1987
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative ROLDE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to Old Cemeteries.

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

5 17 MRSA c. 46 is enacted to read:

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CHAPTER 46

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PRESERVATION AND CARE OF CEMETERIES

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§1281. Funds for preservation

9 1. Municipal responsibility. Every municipali-
10 ty, by means of taxation or otherwise, shall provide
11 and appropriate sufficient funds to provide for suit-
12 able care and maintenance of public cemeteries and
13 burial grounds within its confines which are not oth-

1 erwise provided for. For purposes of this section,
2 "suitable care and maintenance" means neatly cut and
3 trimmed grass, preservation of memorial stones or
4 monuments and construction or maintenance of a fence
5 with secure gates around any cemetery or burial
6 ground.

7 2. Maintenance; more than 6 plots. In any mu-
8 nicipality in which there is a cemetery or burial
9 ground which contains more than 6 places of interment
10 not under the control and management of any currently
11 functioning cemetery association, the municipality
12 shall keep the cemetery or burial grounds clear of
13 weeds, briars or bushes; repair and maintain in or-
14 derly condition its fences or walls; and straighten
15 and maintain its memorial stones or monuments.

16 3. Violation. Any municipality which does not
17 comply with this section commits a civil violation
18 for which a civil forfeiture not to exceed \$250 may
19 be adjudged for each violation.

20 §1282. Tampering

21 1. Tomb or corpse. Any person who opens the
22 grave or tomb where any corpse has been deposited;
23 removes any corpse or part of a corpse from its place
24 of interment or sepulcher, without consent of the
25 spouse or next of kin of the deceased; or receives,
26 conceals or secretes any corpse or part of a corpse
27 so removed, commits a Class D crime.

28 2. Monument or marker. Any person who willfully
29 or maliciously injures or removes any monument, memo-
30 rial stone, tomb or other structure; wreath, tree,
31 shrub, flower or other plant; statuary, urn or other
32 ornament; or any flag, flag holder, marker or other
33 ornament from the grave of a veteran commits a Class
34 E. crime. This subsection does not apply to any per-
35 son who commits any act, otherwise a violation, in
36 the course of tending to or maintaining any place of
37 interment.

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STATEMENT OF FACT

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The purposes of this bill are to:

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1. Make the care and maintenance of cemeteries, which are otherwise not maintained, the responsibility of the municipality in which the cemetery exists; and

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2. Provide penalties for tampering by the opening of a tomb, removal of a corpse or willful or malicious tampering with any markers, stones, ornaments or other adornments of tombs.

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