

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1547

H.P. 1058

House of Representatives, April 16, 1991

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

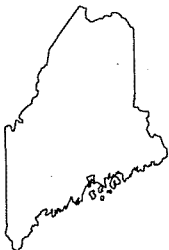
Presented by Representative MURPHY of Berwick.

Cosponsored by Representative JALBERT of Lisbon and Representative FARNUM of South Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Ensure Preservation of Burial Grounds.



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

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Sec. 1. 13 MRSA §1371-A is enacted to read:

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

1. Known burial sites. Construction or excavation in the area of a known burial site or within the boundaries of an established graveyard must comply with local zoning regulations concerning burial sites or graveyards, whether or not the burial site or graveyard is properly recorded in the deed to the property. In the absence of those regulations, 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 graveyard, whether or not the burial site or graveyard is properly recorded in the deed to the property, except when the construction or excavation is necessary for the construction of a public improvement, as approved by the governing body of a city or town or, in the case of a state highway, by the Commissioner of Transportation.

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 a burial site, that person shall notify the local building inspector by providing an affidavit and any other evidence of the location of the burial site.

B. Upon receipt of proper notification, the local building inspector shall issue a stopwork order to the person or entity responsible for the activity that threatens to disturb the burial site.

C. The local building inspector 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 and they shall arrange for appropriate investigation.

D. When the investigation is complete, if no human remains are discovered, or in 120 days, whichever is less, the building activity may resume.

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.

2 Sec. 2. 13 MRSA §1374 is enacted to read:

4 §1374. Cemetery records

6 The municipal officers or other body charged with the
8 responsibility of operation and administration of any cemetery
10 under its control shall keep a record of every burial showing the
12 date of burial and the name of the person buried, when these
14 particulars are obtainable, and the lot, plot, or part of the lot
16 or plot in which the burial was made. Such records also must be
18 kept of every private burial site within a municipality and the
20 location of each private burial site must be annotated on the
 municipal tax map. A copy of the record, duly certified, must be
 furnished to any person on demand and payment of a fee of 50¢.

 STATEMENT OF FACT

 This bill establishes preexcavation procedures and
 record-keeping requirements to ensure preservation of human grave
 sites.