

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 873

S.P. 302

In Senate, February 2, 1999

**An Act to Clarify Municipal Responsibility for the Maintenance of
Veterans' Gravesites.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President LAWRENCE of York.
Cosponsored by Representative BERRY of Livermore and
Senators: BENOIT of Franklin, DAVIS of Piscataquis, FERGUSON of Oxford, KILKELLY
of Lincoln, NUTTING of Androscoggin, Representatives: GAGNE of Buckfield, MAYO of
Bath, TRIPP of Topsham.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 13 MRSA §1101**, as amended by PL 1977, c. 255, §1, is
5 further amended to read:

6 **§1101. Maintenance and repairs; municipality**

7
8 In any ancient or public burying ground in which any
9 Revolutionary soldiers or sailors or ~~soldier or sailor who served~~
10 ~~in the United States Army, Navy or Marine Corps in any war is~~
11 veterans of the Armed Forces of the United States of America are
12 buried, the ~~town~~ municipality in which said ~~that~~ burying ground
13 is located shall keep in good condition and repair, all graves,
14 headstones, monuments or markers designating the burial place of
15 said ~~those~~ Revolutionary soldiers or sailors or ~~soldier or sailor~~
16 ~~who served in the United States Army, Navy or Marine Corps in any~~
17 ~~war~~ veterans and shall keep the grass suitably cut and trimmed on
18 ~~such~~ those graves ~~during the summer season from May 1st to~~
19 ~~September 30th of each year.~~ Town Municipalities may raise and
20 appropriate money for ~~such~~ those purposes. Each ~~said town shall~~
21 ~~be~~ municipality is liable to a penalty of not more than \$100 \$500
22 per cemetery for neglect to keep in good condition and repair all
23 such graves, headstones, monuments and markers or failing to keep
24 the grass suitably cut and trimmed on ~~said graves~~ all burying
25 grounds.

26
27 **Sec. 2. 30-A MRSA §2901**, as amended by PL 1989, c. 211, is
28 further amended to read:

29 **§2901. Decoration of veterans' graves on Memorial Day; erection**
30 **of flagpoles**

31
32 **1. Decoration of veterans' graves.** Each municipality, as
33 directed by its municipal officers, ~~shall~~ annually shall decorate
34 on ~~May--30th~~ the day Memorial Day is observed the graves of
35 veterans of the Armed Forces of the United States of America with
36 an American flag and appropriate floral decorations.

37
38 **2. Erection of flagpole as alternative.** Municipal officers
39 shall are not be required to observe the requirements of
40 subsection 1 in any cemetery when on ~~May--30th~~ the day Memorial
41 Day is observed an American flag is flown from a flagpole of
42 durable material. Municipal officers shall actively encourage
43 any group of citizens or veterans' organizations to erect
44 suitable flagpoles in cemeteries where veterans are buried.

45
46 **3. No effect on individuals' right to decorate.** This
47 section does not in any way affect the right of any friend or
48 relative of a deceased veteran to decorate the grave.

49
50 **4. Bell ringing on Veterans Day.** Each municipality shall,
51 unless it will cause the municipality to incur an additional
52 expense, cause any public bell or clarion within its possession
53 or control to be rung at 11:00 a.m. on Veterans Day, and the
54

2 municipal officers of each municipality shall request that any
3 other bell or clarion within the ~~town~~ municipality be rung
4 voluntarily at 11:00 a.m. on Veterans Day, and shall take such
5 steps as are necessary to properly coordinate public and
6 volunteer events.

7 5. Handling and display of flag. Each municipality shall
8 handle and display the American flag according to the
9 requirements of the National Flag Code, 36 United States Code,
10 Sections 173-189a.

12

13 SUMMARY

14

15 This bill updates and amends municipal responsibilities for
16 veterans' grave sites, including:

17 1. Changing the term "soldier or sailor who served in the
18 United States Army, Navy or Marine Corps in any war" to "veterans
19 of the Armed Forces of the United States of America";

20 2. Changing the liability of the municipality for failing
21 to properly maintain veterans' grave sites from \$100 per town to
22 \$500 per cemetery for each municipality;

23 3. Changing the term "May 30th" for the decoration of
24 veterans' graves to "the day Memorial Day is observed"; and

25 4. Requiring municipalities to follow the National Flag
26 Code in the handling and display of American flags.
27
28
29
30