

MAINE STATE LEGISLATURE

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Legislative Document

No. 523

H.P. 401

House of Representatives, February 2, 2007

An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HANLEY of Gardiner.
Cosponsored by President EDMONDS of Cumberland.

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

2 **Sec. 1. 13 MRSA §1035** is amended to read:

3 **§1035. Penalties**

4 ~~Whoever~~ Except for violations of section 1371-A, a person who fails to comply with
5 or violates any of the provisions of this chapter in respect to the establishment,
6 maintenance or operation of a cemetery, community mausoleum, crematory or
7 columbarium, or to the disposal of dead human bodies ~~shall is subject,~~ unless another
8 penalty is provided under this chapter, ~~be punished by~~ to a fine of not less than \$100 nor
9 more than \$500, or by to imprisonment for not more than 6 months, or by to both. A
10 violation of section 1371-A is a civil violation punishable by a fine of not less than \$100
11 nor more than \$500.

12 **Sec. 2. 30-A MRSA §4452, sub-§3, ¶B-2** is enacted to read:

13 B-2. Notwithstanding paragraph B, the maximum penalty for violation of a law or
14 ordinance identified in subsection 5, paragraph T is \$500.

15 **Sec. 3. 30-A MRSA §4452, sub-§5, ¶R,** as amended by PL 2005, c. 240, §5, is
16 further amended to read:

17 R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor
18 ordinances adopted in accordance with Title 38, section 7 and regulations adopted by
19 municipal officers pursuant to Title 38, section 2; ~~and~~

20 **Sec. 4. 30-A MRSA §4452, sub-§5, ¶S,** as enacted by PL 2005, c. 240, §6, is
21 amended to read:

22 S. Local ordinances and ordinance provisions regarding storm water, including, but
23 not limited to, ordinances and ordinance provisions regulating nonstorm water
24 discharges, construction site runoff and postconstruction storm water management,
25 enacted as required by the federal Clean Water Act and federal regulations and by
26 state permits and rules; ~~and~~

27 **Sec. 5. 30-A MRSA §4452, sub-§5, ¶T** is enacted to read:

28 T. Laws pertaining to limitations on construction and excavation near burial sites in
29 Title 13, section 1371-A and local ordinances and regulations adopted by
30 municipalities in accordance with this section and section 3001 regarding those
31 limitations.

32 **SUMMARY**

33 This bill specifies that a violation of the statutory limitations on construction and
34 excavation near burial sites is a civil violation punishable only by fine. This provision is
35 enforceable by municipalities.