

# 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)



STATE LAW LIBRARY  
AUGUSTA, MAINE

# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

---

Legislative Document

No. 113

H.P. 97

House of Representatives, January 12, 2009

### An Act Regarding Construction and Excavation near Burial Sites

---

Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CASAVANT of Biddeford.  
Cosponsored by Senator SULLIVAN of York and  
Representatives: BEAUDOIN of Biddeford, CONNOR of Kennebunk, DUCHESNE of  
Hudson, KRUGER of Thomaston, MacDONALD of Boothbay, SIROIS of Turner,  
SOCTOMAH of the Passamaquoddy Tribe, TUTTLE of Sanford.

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

2 **Sec. 1. 13 MRSA §1371-A, sub-§1**, as amended by PL 2007, c. 112, §2, is  
3 further amended to read:

4 **1. Known burial sites.** Construction or excavation near a known burial site or  
5 within the boundaries of an established cemetery must comply with any applicable land  
6 use ordinance concerning burial sites or established cemeteries, whether or not the burial  
7 site or established cemetery is properly recorded in the deed to the property. In the  
8 absence of local ordinances, construction or excavation may not be conducted within 25  
9 feet of a known burial site or within 25 feet of the boundaries of an established cemetery,  
10 whichever is the greater, whether or not the burial site or established cemetery is properly  
11 recorded in the deed to the property, except when the construction or excavation is  
12 performed pursuant to a lawful order or permit allowing the relocation of bodies or,  
13 when necessary for the construction of a public improvement, as approved by the  
14 governing body of a city or town or, in the case of a state highway, by the Commissioner  
15 of Transportation or when necessary for the construction of a private sewer line  
16 connection to a public sewer system if no other practicable alternative exists and the  
17 construction of the private sewer line connection is approved by the governing body of a  
18 city or town. A municipality may enforce this subsection or any local ordinance  
19 concerning burial sites or established cemeteries pursuant to Title 30-A, section 4452,  
20 including the assessment of civil penalties.

21 In the event of any violation of this subsection, the Attorney General may seek to enjoin a  
22 further violation, in addition to any other remedy.

23 **SUMMARY**

24 The bill amends the law governing construction and excavation near burial sites by  
25 adding an exception for construction of a private sewer line connection to a public sewer  
26 system.