

# MAINE STATE LEGISLATURE

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**MAJORITY**

Date: **6/7/2013**

L.D. 274  
(Filing No. S-**248**)

**STATE AND LOCAL GOVERNMENT**

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**STATE OF MAINE  
SENATE  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "**A**" to S.P. 107, L.D. 274, Bill, "An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried"

Amend the bill by striking out all of section 1 and inserting the following:

'**Sec. 1. 13 MRSA §1101**, as amended by PL 1999, c. 700, §1, is repealed and the following enacted in its place:

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

**1. Ancient burying grounds.** In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located shall keep in good condition all graves, headstones, monuments and markers and, to the best of its ability given the location and accessibility of the ancient burying ground, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground.

**2. Grave sites of veterans in public burying grounds.** In any public burying ground in which a veteran of the Armed Forces of the United States is buried, the municipality in which that burying ground is located shall keep the grave, headstone, monument or marker designating the burial place of any veteran of the Armed Forces of the United States in good condition and repair from May 1st to September 30th of each year, including:

**A. Regrading the grave site to make it level when the grave site has sunk 3 or more inches compared to the surrounding ground;**

**B. Maintaining the proper height and orientation, both vertical and horizontal, of the headstone, monument or marker;**

**C. Ensuring that inscriptions on the headstone, monument or marker are visible and legible;**

**COMMITTEE AMENDMENT**

- 1            D. Ensuring that the average height of grass at the grave site is between 1.5 to 2.5
- 2            inches but no more than 3 inches;
- 3            E. Keeping a flat grave marker free of grass and debris; and
- 4            F. Keeping the burial place free of fallen trees, branches, vines and weeds.'

**SUMMARY**

6            This amendment clarifies what keeping a burial place in good condition and repair  
7            entails with respect to the provision of the bill that provides an increased standard of care  
8            for burial places of veterans of the Armed Forces of the United States that are located in  
9            public burying grounds.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 126th MAINE LEGISLATURE

LD 274

LR 1259(02)

## An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried

Fiscal Note for Bill as Amended by Committee Amendment  
Committee: State and Local Government  
Fiscal Note Required: Yes

*A" (S-248)*

### Fiscal Note

State Mandate - Unfunded

#### State Mandates

**Required Activity**

Municipalities will be required to keep public burying grounds for all veterans in good condition and repair including keeping inscriptions visible and legible, keeping the headstones horizontally and vertically aligned and brush and vine clearing.

**Unit Affected**

Municipality

**Local Cost**

Significant statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.