

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 274

S.P. 107

In Senate, February 7, 2013

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

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative WELSH of Rockport and  
Representatives: BLACK of Wilton, COTTA of China.

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

2 **Sec. 1. 13 MRSA §1101**, as amended by PL 1999, c. 700, §1, is further amended  
3 to read:

4 **§1101. Maintenance and repairs; municipality**

5 In any ancient burying ground, as referenced in Title 30-A, section 5723, ~~or public~~  
6 ~~burying ground in which any Revolutionary soldiers or sailors or veterans of the Armed~~  
7 ~~Forces of the United State of America who served in any war are buried~~, the municipality  
8 in which ~~said that~~ burying ground is located shall keep in good condition ~~and repair~~ all  
9 graves, headstones, monuments ~~or and~~ markers ~~designating the burial place of said~~  
10 ~~Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of~~  
11 ~~America who served in any war and~~, to the best of its ability given the location and  
12 accessibility of the ancient burying ground, shall keep the grass, weeds and brush suitably  
13 cut and trimmed on those graves from May 1st to September 30th of each year. A  
14 municipality may designate a caretaker to whom it delegates for a specified period of  
15 time the municipality's responsibilities regarding an ancient burying ground.

16 In any public burying ground in which any veterans of the Armed Forces of the  
17 United States of America are buried, the municipality in which the burying ground is  
18 located shall keep in good condition and repair all graves, headstones, monuments and  
19 markers designating the burial place of the veterans and shall keep the grass, weeds and  
20 brush suitably cut and trimmed on those graves from May 1st to September 30th of each  
21 year.

22 **Sec. 2. 13 MRSA §1101-B**, as enacted by PL 1999, c. 700, §2, is amended to  
23 read:

24 **§1101-B. Ancient burying grounds**

25 **1. Access to ancient burying grounds on privately owned land.** The owner of an  
26 ancient burying ground shall provide ~~municipalities~~ a municipality or its caretaker  
27 designated pursuant to section 1101 access necessary to perform the duties pursuant to  
28 section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide  
29 ~~municipalities~~ access may result in the owner being held responsible for any fines, court  
30 costs and attorney's fees incurred by municipalities in legally obtaining access or for  
31 failing to meet the requirements of section 1101.

32 **2. Maintenance by landowner.** A person who owns a parcel of land that contains  
33 an ancient burying ground and chooses to deny access to the municipality or its caretaker  
34 designated pursuant to section 1101 shall assume the duties as described in section 1101  
35 and Title 30-A, section 2901, subsection 1. Maintenance of an ancient burying ground by  
36 the owner exempts the municipality from performing the duties as described in section  
37 1101.

1 **SUMMARY**

2 This bill amends the law governing ancient burying grounds and public burying  
3 grounds.

4 1. It authorizes a municipality to delegate to a caretaker the municipality's  
5 responsibilities regarding an ancient burying ground.

6 2. Current law requires municipalities to care for public burying grounds in which  
7 veterans of the Armed Forces of the United States of America who served during a war  
8 are buried. This bill removes language requiring service during a war.