

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1662

S.P. 656

In Senate, December 23, 2013

An Act To Clarify the Law Governing the Maintenance of Veterans' Grave Sites

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 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 JOHNSON of Lincoln.

Cosponsored by Representative LONGSTAFF of Waterville and

Senators: CRAVEN of Androscoggin, SAVIELLO of Franklin, Representatives: BEAVERS of South Berwick, GRAHAM of North Yarmouth, NADEAU of Winslow.

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

2 **Sec. 1. 13 MRSA §1101**, as repealed and replaced by PL 2013, c. 421, §1, is
3 amended to read:

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

5 **1. Grave sites of veterans in ancient burying grounds.** In any ancient burying
6 ground, as referenced in Title 30-A, section 5723, the municipality in which that burying
7 ground is located, in collaboration with veterans' organizations, cemetery associations,
8 civic and fraternal organizations and other interested persons, shall keep in good
9 condition all graves, headstones, monuments and markers ~~and, to of Revolutionary~~
10 ~~soldiers and sailors and veterans of the Armed Forces of the United States.~~ To the best of
11 its ability given the location and accessibility of the ancient burying ground, the
12 municipality shall keep the grass, weeds and brush suitably cut and trimmed on those
13 graves from May 1st to September 30th of each year. A municipality may designate a
14 caretaker to whom it delegates for a specified period of time the municipality's
15 responsibilities regarding an ancient burying ground.

16 **2. Grave sites of veterans in public burying grounds.** In any public burying
17 ground in which a veteran of the Armed Forces of the United States is buried, the
18 municipality in which that burying ground is located, in collaboration with veterans'
19 organizations, cemetery associations, civic and fraternal organizations and other
20 interested persons, shall keep the grave, headstone, monument or marker designating the
21 burial place of any veteran of the Armed Forces of the United States in good condition
22 and repair from May 1st to September 30th of each year, ~~including:~~

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

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

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

29 ~~D. Ensuring that the average height of grass at the grave site is between 1.5 to 2.5~~
30 ~~inches but no more than 3 inches;~~

31 ~~E. Keeping a flat grave marker free of grass and debris; and~~

32 ~~F. Keeping the burial place free of fallen trees, branches, vines and weeds.~~

33 Each municipality in which a public burying ground is located shall adopt standards of
34 good condition and repair to which grave sites of veterans of the Armed Forces of the
35 United States must be kept.

36 **Sec. 2. 13 MRSA §1101-A, sub-§4** is enacted to read:

37 **4. Public burying ground.** "Public burying ground" means a burying ground or
38 cemetery that is municipally owned and operated.

1 **Sec. 3. Adoption of standards.** By June 30, 2016, a municipality that is required
2 to maintain and repair a veteran's grave site pursuant to the Maine Revised Statutes, Title
3 13, section 1101, subsection 2 shall adopt standards of good condition and repair to which
4 grave sites of veterans of the Armed Forces of the United States must be kept.

5 **SUMMARY**

6 This bill:

7 1. Clarifies that the municipality in which an ancient burying ground is located is
8 responsible for keeping in good condition only the graves, headstones, monuments and
9 markers of Revolutionary soldiers and sailors and veterans of the Armed Forces of the
10 United States;

11 2. Specifies that municipalities may collaborate with veterans' organizations,
12 cemetery associations, civic and fraternal organizations and other interested persons in
13 maintaining the grave sites of veterans; and

14 3. Repeals specific statutory guidelines regarding the maintenance of veterans' grave
15 sites in public burying grounds and instead provides that each municipality in which a
16 public burying ground is located must adopt standards of good condition and repair to
17 which grave sites of veterans must be kept.