

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 806

S.P. 242

In Senate, February 14, 2019

An Act To Clarify the Definition of "Ancient Burying Ground"

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 MIRAMANT of Knox.
Cosponsored by Representative NADEAU of Winslow and
Senators: CYRWAY of Kennebec, President JACKSON of Aroostook, LIBBY of
Androscoggin, Representatives: BRYANT of Windham, MAREAN of Hollis.

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

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

4 **1. Ancient burying ground.** "Ancient burying ground" means a private cemetery or
5 family burying ground established before 1880. "Ancient burying ground" includes, but
6 is not limited to, a private cemetery established pursuant to Public Law 1829, chapter
7 420, section 1 or Public Law 1839, chapter 392.

8 **Sec. 2. 13 MRSA §1101-B, sub-§3** is enacted to read:

9 **3. Documentation; lack of documentation or apparent marked boundaries.** The
10 existence of an ancient burying ground may be documented in family papers, including
11 but not limited to deeds or manuscripts or published records of the history of the county
12 or municipality where the ancient burying ground is located or on historical or current
13 maps of the area where the ancient burying ground is located.

14 The existence of an ancient burying ground may be documented in the records of the
15 register of deeds of the county in which the ancient burying ground was located when it
16 was established or in the records of the municipality in which the ancient burying ground
17 was located when it was established.

18 A lack of documentation of an ancient burying ground as described in this subsection
19 does not negate the existence of, or a place's status as, an ancient burying ground.

20 A lack of apparent marked boundaries of an ancient burying ground does not negate the
21 existence of, or a place's status as, an ancient burying ground.

22 **SUMMARY**

23 This bill provides that ancient burying grounds include private cemeteries established
24 pursuant to Public Law 1829, chapter 420 and Public Law 1839, chapter 392 and family
25 burying grounds established before 1880. It also provides that ancient burying grounds
26 may be documented in family papers, records of registers of deeds or municipal records,
27 but that a lack of such documentation, or of apparent marked boundaries, does not negate
28 the existence of, or a place's status as, an ancient burying ground.