

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1233

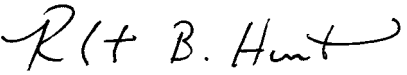
H.P. 781

House of Representatives, March 21, 2023

### **An Act Regarding the Maine State Cemetery Preservation Commission**

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative GREENWOOD of Wales.  
Cosponsored by Senator BALDACCI of Penobscot and  
Representatives: COPELAND of Saco, FAULKINGHAM of Winter Harbor, MATLACK of  
St. George, PAULHUS of Bath, RISEMAN of Harrison, RUDNICKI of Fairfield,  
WOODSOME of Waterboro, Senator: NANGLE of Cumberland.

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

2       **Sec. 1. 13 MRSA §1374, sub-§3**, as enacted by PL 2021, c. 584, §2, is amended to  
3 read:

4       **3. Duties.** The cemetery preservation commission ~~may~~ shall:

5       A. Advise and educate municipalities and property owners about the existence of  
6 burying grounds and cemeteries and the laws applicable to burying grounds and  
7 cemeteries;

8       B. Advise and educate municipalities, property owners and owners of burying grounds  
9 and cemeteries on the proper care and preservation of graves, gravestones, walls and  
10 fences in and around burying grounds and cemeteries; ~~and~~

11       C. Review statutes applicable to burying grounds and cemeteries and provide  
12 information to the Legislature on recommended changes; and

13       D. Investigate violations of the laws governing burying grounds and cemeteries  
14 reported to the cemetery preservation commission, municipal officials, state and local  
15 law enforcement agencies, a statewide association dedicated to the preservation of  
16 neglected cemeteries or a statewide association dedicated to the operation and  
17 maintenance of cemeteries. The cemetery preservation commission shall provide  
18 information relating to the investigations and recommendations for action on the  
19 violations to municipal officials and the Attorney General.

20       **Sec. 2. 13 MRSA §1374, sub-§3-A** is enacted to read:

21       **3-A. Powers.** The cemetery preservation commission may:

22       A. Hire appropriate staff to assist in carrying out the duties of the cemetery  
23 preservation commission;

24       B. Create a web page on the State's publicly accessible website that provides  
25 information related to the cemetery preservation commission's duties and powers;

26       C. Prepare educational materials, which may include links to websites relating to the  
27 laws governing burying grounds and cemeteries, for distribution to municipalities and  
28 officers of associations that have representatives on the cemetery preservation  
29 commission for distribution to their members;

30       D. Establish a grant program under which communities may apply for a grant for the  
31 restoration of burying grounds and cemeteries; and

32       E. Submit to the Legislature, at the start of each session, such legislation as the  
33 cemetery preservation commission determines appropriate regarding the care,  
34 protection and preservation of and access to burying grounds and cemeteries.

35       **Sec. 3. Burial-transit permit fee increase.** The Department of Health and Human  
36 Services shall increase the fee for a burial-transit permit by \$5. The \$5 increase must be  
37 used to fund the operation of the Maine State Cemetery Preservation Commission. For  
38 purposes of this section, “burial-transit permit” means a permit for the transportation,  
39 temporary storage, disinterment or final disposition of a dead body by burial, cremation,  
40 burial at sea, use by medical science or removal from the State, as specified by the Maine  
41 Revised Statutes, Title 22, section 2843.

**Sec. 4. Grant program; report.** By November 6, 2024, the Maine State Cemetery Preservation Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters relating to establishing a grant program pursuant to the Maine Revised Statutes, Title 13, section 1374, subsection 3-A, paragraph D. The joint standing committee may report out a bill relating to the report to the 132nd Legislature in 2025.

## SUMMARY

Current law authorizes, rather than requires, the Maine State Cemetery Preservation Commission to take certain actions that are identified as duties. This bill requires the cemetery preservation commission to take those actions. The bill adds to the duties of the cemetery preservation commission a requirement to investigate violations of the laws governing burying grounds and cemeteries and make recommendations related to those violations to the relevant municipal officials and the Attorney General. The bill authorizes the cemetery preservation commission to hire staff, create a web page on the State's publicly accessible website, prepare educational materials for distribution to municipalities and statewide cemetery associations, establish a grant program under which communities may apply for a grant for the restoration of burying grounds and cemeteries and submit legislation at the start of each session regarding the care, protection and preservation of and access to burying grounds and cemeteries. The bill also directs the Department of Health and Human Services to increase the fee for a burial-transit permit by \$5, with the increase to be used to fund the operation of the Maine State Cemetery Preservation Commission.