

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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## CHAPTER 324

S.P. 570 — L.D. 1703

## AN ACT to Ensure the Availability of Group Accident and Sickness and Health Insurance to Retired Teachers.

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

20-A MRSA c. 505-A is enacted to read:

## CHAPTER 505-A

## RETIRED TEACHERS' HEALTH INSURANCE

§13461. Eligibility for group plan

Retired teachers eligible to participate in a group accident and sickness and health insurance plan are governed by the following.

1. Access to a group plan. The group accident and sickness and health insurance plan that is in effect for active teachers in a public school system must be made available to all teachers eligible under subsection 2, who retired under the Maine State Retirement System when they left that system and who choose to participate in the new plan. The rate for the insurance coverage shall be the same as the rate provided for active teachers in that school system.

2. Eligible retired teachers. Retired teachers who had participated, at the time of retirement, in the group accident and sickness and health insurance plan offered by the public school for one year immediately prior to retirement or since they had become employed by the unit, whichever came later, shall be eligible to participate in whatever group plan that school unit offers to its active teachers.

3. School units which change plans. If a school unit changes its group health insurance plan or provider, the school unit at the time that it transfers active teachers to the new plan or provider shall inform all retired teachers who participate in the group accident and health insurance plan through prior employment with that school unit of the change, detailing the provisions of both the old and new plans. Any retired teacher eligible under this subsection, within 90 days of notification of the change, may request to be transferred to the new plan or provider.

Effective September 29, 1987.

## CHAPTER 325

H.P. 1259 — L.D. 1718

## AN ACT Relating to Local Bridges.

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

Sec. 1. 23 MRSA §608-A, sub-§§4 and 11, as enacted by PL 1985, c. 480, §§7 and 10, are amended to read:

4. Local bridges. "Local bridges" means bridges located on town ways or state-aid highways. Excluded from this subchapter are railroad bridges, bridges over the Maine Turnpike, ~~the Interstate Highway System and~~ bridges on over federally designated highways and bridges for which the State is responsible that are on state-aid highways that are designated as federal-aid highways.

11. Time of approval. "Time of approval" means the date on which the town approves the preliminary design and, authorizes the improvement and notifies the Department of Transportation of its decision. When appropriate, notification shall be accompanied by initial funding from the town.

Sec. 2. 23 MRSA §608-B, first ¶, as enacted by PL 1985, c. 480, §§7 and 10, is amended to read:

On and after July 1, 1986, bridges determined to be of satisfactory condition shall become the responsibility of the unit of government that is responsible for the adjacent roadway, except for the exceptions in section 603. The State shall be responsible for all such bridges on state and state-aid highways and towns shall be responsible for all such bridges on town ways, except for bridges over the Maine Turnpike which shall be the responsibility of the Maine Turnpike Authority and ~~Interstate Highway System~~ bridges over federally designated highways which shall be the responsibility of the State.

Sec. 3. 23 MRSA §609, as enacted by PL 1985, c. 480, §§7 and 10, is amended to read:

§609. Approval to proceed

The department shall inform the town or county of the estimated cost of the bridge improvement, including their estimated share of the cost. The town may either cancel the improvement request or issue approval to proceed. Approval to proceed shall be accompanied by initial funding. Town and county percentages of cost become fixed at this time. After town officials are authorized to raise the local share of the estimated cost of the bridge improvement, the department shall proceed with the necessary engineering and other work. The department shall select the appropriate construction procedure in accordance with standard procedures. In accordance with established procedures, the chief engineer may authorize construction by town forces.

Sec. 4. 23 MRSA §610-G, as enacted by PL 1985, c. 480, §§7 and 10, is repealed and the following enacted in its place:

§610-G. Local bridges on federal systems

The local cost share for local bridges on federally designated systems shall not exceed the local share as governed by the current cost-sharing provisions for the appropriate highway system.

Effective September 29, 1987.

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## CHAPTER 326

H.P. 1258 — L.D. 1719

### AN ACT to Provide for the Preservation and Care of Burial Places and Memorials for the Dead.

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

Sec. 1. 13 MRSA c. 83, sub-c. V is enacted to read:

#### SUBCHAPTER V

#### PROTECTION AND PRESERVATION

#### §1371. Approval for repair, maintenance and removal

1. Prior authorization or approval for repair, maintenance or removal. Any person may repair, maintain or remove, subject to the restrictions of subsection 2, any tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure for the burial of the dead, after obtaining:

A. The authorization of the owner of the burial lot or a lineal descendent of the deceased buried there, if reasonable to locate and notify; or

B. The written approval of the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located.

2. Conditions on removal. Removal of any tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or any portion or fragment of any such memorial, is permitted only for the purpose of preservation. Any tomb, monument, gravestone, marker or other structure placed or designed as a memorial to the dead, or any portion or fragment of any such memorial, must not be removed from the confines of the cemetery or burial ground.

#### §1372. Inventories of cemeteries or burial grounds

A municipality or, in the case of unorganized territory, a county may contract with a cemetery association or historical society to undertake, complete and keep current an inventory of cemeteries and burial grounds located in that municipality or county.

#### §1373. Authority to maintain

A municipality may authorize any cemetery association or historical society to maintain any cemetery or burial ground owned, maintained or operated by the municipality.

Sec. 2. 17-A MRSA §§507-A and 507-B are enacted to read:

#### §507-A. Interference with cemetery or burial ground

1. No person may intentionally or knowingly destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, marker or other structure placed or designed as a memorial for the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure for the burial of the dead.

2. Subsection 1 does not apply to any person:

A. Who performs an act as authorized under Title 13, section 1371; or

B. Who meets the requirements governing eminent domain as established by state or federal law.

3. Any person who violates subsection 1 commits a Class D crime.

#### §507-B. Illegal possession or sale of gravestones

1. No person may possess, sell, attempt to sell, offer for sale, transfer or dispose of any tomb, monument, gravestone, marker or other structure placed or designed as a memorial for the dead, or any portion or fragment of any such memorial, knowing or having reasonable cause to know that it has been illegally removed from a cemetery or burial ground.

2. Any person who violates subsection 1 commits a Class C crime.

3. Any person who violates subsection 1 is liable to the following for triple damages to be recovered in a civil action:

A. The municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located;

B. A cemetery association authorized to bring suit and recover damages by the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located; or

C. A historical society authorized to bring suit and recover damages by the municipality or, in the case of unorganized territory, the county in which the cemetery or burial ground is located.

Effective September 29, 1987.

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