

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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

J.S. McCarthy Company
Augusta, Maine
2000

11. Limitation of this section. The lien authorized by this section ~~shall apply~~ applies to taxes assessed on or after April 1, 1984.

Sec. D-29. 38 MRSA §2214, sub-§2, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

2. Mortgages. To further secure the payment of the revenue obligation securities, the trust agreement or other document may mortgage or assign the mortgage of the project, or any part of the project, and create a lien on or security interest in any or all of the project. In the event of a default with respect to the revenue obligation securities, the trustee, mortgagee or other person may be authorized by the trust agreement or other document containing a mortgage or assignment of a mortgage to take possession of, hold, manage and operate all or any part of the mortgaged property and, with or without taking possession, to sell or from time to time lease the property in accordance with law. Any security interest granted by the authority under this chapter may be created and perfected in accordance with the Uniform Commercial Code, Title 11, Article 9, ~~notwithstanding Title 11, section 9-104, subsection 5~~ 9-A.

Sec. D-30. Effective date. This Part takes effect July 1, 2001.

See title page for effective date, unless otherwise indicated.

CHAPTER 700

S.P. 302 - L.D. 873

An Act to Clarify Responsibilities for the Maintenance of Veterans' Grave Sites

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 13 MRSA §1101, as amended by PL 1977, c. 255, §1, is further amended to read:

§1101. Maintenance and repairs; municipality

In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary soldiers or sailors or ~~soldier or sailor~~ veterans of the Armed Forces of the United States of America who served in the United States Army, Navy or Marine Corps in any war is are buried, the ~~town~~ municipality in which said burying ground is located shall keep in good condition and repair; all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or ~~soldier or sailor who served in the United States Army, Navy or Marine Corps~~ veterans of the Armed Forces of the United States of America who served in any war and shall keep the grass suitably cut and trimmed on ~~such those graves during the summer season from May 1st to September 30th of each year.~~ such graves. ~~Towns may raise and appropriate money for such purposes. Each said town shall be liable to a penalty of not more than \$100 for neglect to keep in good condition and repair all such graves, headstones, monuments and markers or failing to keep the grass suitably cut and trimmed on said graves.~~

Sec. 2. 13 MRSA §§1101-A to 1101-E are enacted to read:

§1101-A. Definition

As used in this article, unless the context otherwise indicates, the following term has the following meaning.

1. Ancient burying ground. "Ancient burying ground" means a private cemetery established before 1880.

§1101-B. Ancient burying grounds

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

2. Maintenance by landowner. A person who owns a parcel of land that contains an ancient burying ground and chooses to deny access to the municipality shall assume the duties as described in section 1101 and Title 30-A, section 2901, subsection 1. Maintenance of an ancient burying ground by the owner exempts the municipality from performing the duties as described in section 1101.

§1101-C. Notice of responsibility

When a municipality fails without good reason to maintain the good condition and repair of a grave, headstone, monument or marker or fails to keep the grass suitably cut and trimmed on any such grave pursuant to section 1101 and at least one of the municipal officers has had 14 days' actual notice or knowledge of the neglected condition, a penalty of not more than \$100 may be assessed on the municipality.

§1101-D. Unorganized townships

If an ancient burying ground or a public burying ground as described in section 1101 is located in an unorganized township, the county in which the township is located is subject to sections 1101, 1101-B and 1101-C.

§1101-E. Graves on land owned by Federal Government

Veterans' graves as described in section 1101 that are located on a site that was owned by the Federal Government as of January 1, 2000 are not subject to the requirements of section 1101.

Sec. 3. 30-A MRSA §2901, as amended by PL 1989, c. 211, is further amended to read:

§2901. Decoration of veterans' graves on Memorial Day

1. Decoration of veterans' graves. Each municipality, as directed by its municipal officers, shall annually ~~shall~~ decorate on ~~May 30th~~ the day Memorial Day is observed the graves of veterans of the Armed Forces of the United States of America with an American flag and appropriate ~~floral decorations~~ flag holders.

~~**2. Erection of flagpole as alternative.** Municipal officers shall not be required to observe the requirements of subsection 1 in any cemetery when on May 30th an American flag is flown from a flagpole of durable material. Municipal officers shall actively encourage any group of citizens or veterans' organizations to erect suitable flagpoles in cemeteries where veterans are buried.~~

3. No effect on individuals' right to decorate. This section does not in any way affect the right of any friend or relative of a deceased veteran to decorate the grave.

4. Bell ringing on Veterans Day. Each municipality shall, unless it will cause the municipality to incur an additional expense, cause any public bell or clarion within its possession or control to be rung at 11:00 a.m. on Veterans Day, and the municipal officers of each municipality shall request that any other bell or clarion within the ~~town~~ municipality be rung voluntarily at 11:00 a.m. on Veterans Day, and

shall take such steps as are necessary to properly coordinate public and volunteer events.

5. Unorganized townships. If veterans' graves as described in this section are located in an unorganized township, the county in which that unorganized township is located is subject to the provisions in this section.

6. Graves on land owned by Federal Government. Veterans' graves located on a site that was owned by the Federal Government as of January 1, 2000 are not subject to the requirements of this section.

See title page for effective date.

CHAPTER 701

H.P. 1680 - L.D. 2346

An Act to Extend the Time Period for Municipalities to Make Recommendations Concerning Great Pond Surface Use Restrictions

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law allows municipalities to submit recommendations by October 30, 1999 to the Commissioner of Inland Fisheries and Wildlife for regulating the use, operations and type of watercraft on great ponds within the jurisdiction of those municipalities; and

Whereas, if a great pond borders on more than one municipality or lands within the jurisdiction of the Maine Land Use Regulation Commission, the approval of the commission or the legislative bodies of all municipalities in which those waters are located is required; and

Whereas, more time is needed by the municipalities in order to competently submit their recommendations; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 1997, c. 739, §17, as amended by PL 1999, c. 313, §1, is further amended to read: