

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION

August 29, 2013

SECOND REGULAR SESSION

January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR

FIRST SPECIAL SESSION

EMERGENCY LAW IS

SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 1, 2014

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

**Augusta, Maine
2014**

1997, ~~may is~~ not be in violation of any groundwater classification or reclassification with respect to discharges to the groundwater from those facilities.

A. Preliminary notice for municipal and county Priority 3 projects must be completed and submitted to the Department of Transportation ~~by the following dates:~~ within 2 months of receipt of a certified letter from the Department of Transportation notifying the municipality or county of funds available for the construction of a facility.

~~(1) For Priority 1 and 2 projects, the latest of the following dates:~~

~~(a) One year from a designation under section 411;~~

~~(b) One year from notice of availability of a state grant, if eligible; or~~

~~(c) January 1996.~~

~~(2) For municipal, state and county Priority 3 projects, the later of the following dates:~~

~~(a) One year from notice of availability of a state grant, if eligible; or~~

~~(b) January 2003.~~

~~(3) For other Priority 3 projects, the later of the following dates:~~

~~(a) One year from a designation under section 411; or~~

~~(b) January 1997.~~

D. For municipal and county ~~sites only~~ Priority 3 projects, review of final plans with the Department of Transportation must be completed within ~~12 14~~ months of ~~the dates established in paragraph A for each priority category~~ receipt of a certified letter from the Department of Transportation notifying the municipality or county of funds available for the construction of a facility.

E. Construction of municipal and county Priority 3 projects must be completed and the facility ~~must be~~ in operation within ~~24 26~~ months of ~~the dates established in paragraph A for each priority category~~ receipt of a certified letter from the Department of Transportation notifying the municipality or county of funds available for the construction of a facility.

In no case may violations of the lowest groundwater classification be allowed. In addition, no violations of any groundwater classifications adopted after January 1, 1980, may be allowed for more than ~~3 years~~ 26 months from the date of an offer of a state grant for the construction of those facilities.

The department may not issue time schedule variances under subsection 1 to owners or operators of salt or sand-salt storage areas.

An owner or operator of a salt or sand-salt storage area who is in compliance with this section is exempt from the requirements of licensing under section 413, subsection 2-D.

An owner or operator is not in violation of a schedule established pursuant to this subsection if the owner or operator is eligible for a state grant to implement the schedule and the state grant is not available.

Sec. 4. Report. By January 1, 2017, the Department of Transportation shall provide a report to the joint standing committee of the Legislature having jurisdiction over transportation matters on the status of providing funding under the Maine Revised Statutes, Title 23, section 1851 for the construction of salt and sand storage facilities in municipalities and counties with Priority 3 projects and providing reimbursement for qualified Priority 5 projects. The department shall consult with the Department of Environmental Protection, when appropriate, to identify those provisions of law governing project funding that are unnecessary and no longer relevant because all funding has been completed and shall include in the report suggested legislation making the recommended changes. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 128th Legislature related to the recommendations in the department's report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 5, 2014.

CHAPTER 524

S.P. 656 - L.D. 1662

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

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

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

§1101. Maintenance and repairs; municipality

1. Grave sites of veterans in ancient burying grounds. In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, shall keep in good condition all graves, headstones, monuments and markers ~~and, to~~ designating the burial place of Revolutionary soldiers and sailors

and veterans of the Armed Forces of the United States. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground.

1-A. Grave sites of persons who are not designated as veterans in ancient burying grounds. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality in which an ancient burying ground is located may keep the grass, weeds and brush suitably cut and trimmed from May 1st to September 30th of each year on all graves, headstones, monuments and markers in the ancient burying ground not designating the burial place of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's functions regarding an ancient burying ground.

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

A municipality in which a public burying ground is located may, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, adopt standards of good condition and repair to which grave sites of veterans of the Armed Forces of the United States must be kept. The standards at a minimum must detail how to maintain the grave, grass and headstones.

If a municipality does not adopt standards, the municipality, cemetery corporation or cemetery association shall apply the following standards of good condition and repair:

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

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

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

- D. ~~Ensuring Ensure that the average height of grass at the grave site is between 1.5 to 2.5 inches but no more than 3 inches is suitably cut and trimmed;~~

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

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

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

4. Public burying ground. "Public burying ground" means a burying ground or cemetery in which any person may be buried without regard to religious or other affiliation and includes a cemetery owned and operated by a municipality, a cemetery corporation or a cemetery association.

Sec. 3. 13 MRSA §1101-B, sub-§2, as amended by PL 2013, c. 421, §2, is further amended to read:

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 or its caretaker designated pursuant to section 1101 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.

A municipality or its caretaker designated pursuant to section 1101 to carry out the municipality's functions regarding an ancient burying ground must have access to any ancient burying ground within the municipality in order to determine if the ancient burying ground is being maintained in good condition and repair. If an ancient burying ground or a veteran's grave within an ancient burying ground is not maintained in good condition and repair, the municipality may take over the care or appoint a caretaker to whom it delegates the municipality's functions regarding an ancient burying ground.

See title page for effective date.