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DRAFT AMENDMENT TO LD 1662, An Act To Clarify the Laws Governing the Maintenance of Veterans' Grave Sites

## DRAFT AMENDMENT

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

**Sec. 1. 13 MRSA §1101** 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 designating the burial place and, to 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 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 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.** A municipality, cemetery corporation or cemetery association owning and operating a public burying ground shall, 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, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested

persons, ~~shall~~ keep the grave, headstone, monument or marker designating the burial place of any veteran of the Armed Forces of the United States in any public burying ground it owns and operates 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 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 a flat grave marker free of grass and debris; and~~
- F. ~~Keeping the burial place free of fallen trees, branches, vines and weeds.~~

Each municipality in which a public burying ground is located shall adopt standards of good condition and repair to which grave sites of veterans of the Armed Forces of the United States must be kept.

**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 that is municipally owned and operated 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. Adoption of standards.** ~~By June 30, 2016, a municipality that is required to maintain and repair a veteran's grave site pursuant to the Maine Revised Statutes, Title 13, section 1101, subsection 2 shall adopt standards of good condition and repair to which grave sites of veterans of the Armed Forces of the United States must be kept.~~

Sec. 3. 13 MRSA §1101-B sub-§ 2 is amended to read:

**§1101-B. Ancient burying grounds**

**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 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.

**SUMMARY**

This amendment:

1. Provides that the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, must keep the grass, weeds and brush suitably cut and trimmed on veterans' grave sites in ancient burying grounds to the best of its ability from May 1st to September 30th of each year;
2. Provides that the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, may keep the grass, weeds and brush suitably cut and trimmed on grave sites of persons who are not veterans in ancient burying grounds to the best of its ability from May 1st to September 30th of each year;
3. Allows a municipality to designate a caretaker to delegate the municipality's functions regarding care of grave sites of persons who are not veterans in an ancient burying ground;
4. Requires a municipality, cemetery corporation or cemetery association, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other persons to keep grave sites of veterans in public burying grounds it owns and operates in good condition and repair from May 1<sup>st</sup> to September 30<sup>th</sup> unless a municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, adopts standards of good condition and repair, instead of requiring a municipality to adopt standards as required in the bill. The standards that must be met include: ensuring that grass is suitably cut and trimmed; keeping a flat grave marker free of grass and debris; and keeping the burial place free of fallen trees, branches, vines and weeds;
5. Adds a definition of public burying ground; and
6. Specifies that a municipality or its designated caretaker shall have access to any ancient burying ground within the municipality in order to determine if the ancient burying ground is being maintained properly, and if the ancient burying ground is not maintained properly, it gives the municipality the authority to take over the care or appoint a caretaker.

