

Amend this bill by striking the title and substituting the following:

An Act to Clarify Ancient Burying Grounds

**Section 1. 13 MRSA §1101(1)**, is amended to read:

**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 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. Caretakers shall not be considered agents of the municipality unless they are undertaking activity pursuant to a written designation signed by the municipal officers.

A caretaker is not an agent of a municipality unless the caretaker has been designated pursuant to written document signed by **ALL** the municipal officers, as that term is defined in Title 30-A, section 2001.

**Section 2. 13 MRSA §1101-A, sub-§1**, is amended to read:

**1. Ancient burying ground.** "Ancient burying ground" means a ~~private~~ cemetery established before 1880-wherein burial is restricted to members of the family or families who established the cemetery and their descendants, or to persons or group of persons specified by those who established the cemetery, but may include others of their choosing.

Is it clear whether the new definition is more or less restrictive/expansive than the current definition?

Does the phrase "but may include others of their choosing" modify the last group ("persons or group of persons") or the first group ("family or families") or both? If it modifies "family or families" it should immediately follow that phrase.

**Section 3. 13 MRSA §1101-B, sub-§3**, is enacted to read:

**3. Documentation; lack of documentation or apparent marked boundaries.** The existence of an ancient burying ground may be documented in family papers, including but not limited to deeds or manuscripts or published records of the history of the county or municipality where the ancient burying ground is located or on historical or current maps of the area where the ancient burying ground is located.

The existence of an ancient burying ground may be documented in the records of the register of deeds of the county in which the ancient burying ground was located when it was established or in the records of the municipality in which the ancient burying ground was located when it was established.

A lack of documentation of an ancient burying ground as described in this subsection does not negate the existence of, or a place's status as, an ancient burying ground.

A lack of apparent marked boundaries of an ancient burying ground does not negate the existence of, or a place's status as, an ancient burying ground.

**Section 3. 13 MRSA §1101-B, sub-§3**, is enacted to read:

**3. Documentation; lack of documentation or apparent marked boundaries.** The existence of an ancient burying ground may be documented in papers, including:

- a. Property deeds;
- b. Manuscripts or published records of the history of a county or municipality;
- c. Historical or current maps;
- d. Records of the register of deeds; or

Records of a municipalityA lack of documentation of an ancient burying ground as described in this subsection does not negate the existence ofan ancient burying ground.

A lack of apparent marked boundaries of an ancient burying ground does not negate the existence ofan ancient burying ground.