

LD 1176 An Act Regarding Caretakers of Ancient Burying Grounds and Access to Ancient Burying Grounds

To: Members, Joint Standing Committee on State and Local Government

From: Lynne Caswell, Esq., Legislative Analyst

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SUMMARY

This bill allows a descendant of an individual or a veteran buried in an ancient or public burying ground to appoint a caretaker to maintain the burying ground when the municipality is unable to care for the burying ground or to appoint a caretaker.

TESTIMONY**Sponsor** (Senator Miramant)

- Ensures access to ancient burying grounds;
- Protects rights of property owner

Proponents (Corelyn Senn, Joanne Richards, Jonathan Albrecht; Maine Old Cemetery Association; Helen Shaw; Town of Penobscot, Selectboard member; written only from: Patricia Leland, Dan Davis)

- Removes obligation on municipality when family appoints caretaker;
- Towns don't have the money to preserve and restore;
- Doesn't affect property owner's rights

Opponents – none**NFNA** - none**PRIOR SESSIONS**

Session	LD	Proposal	Outcome
128 th	1346	<ul style="list-style-type: none"> - requires property owner to allow access annually or as determine necessary by municipalities; - requires property owner to allow access to “designated agent” of descendant; - provides alternative method to establish existence of ancient burying ground w/i private property 	ONTP(11) / OTP-AM(1)
127 th	1328	- similar to LD 1346	ONTP
127 th	862	Enacted §1371	P.L. 2015, ch. 294

INFORMATION

See side-by-side provided

MATTERS TO CONSIDER

Property owner rights vs rights of descendants

FISCAL IMPACT - Preliminary (OFPR)

Preliminary FN – no impact