

## Caswell, Lynne

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**From:** Helen Shaw <hashaw@earthlink.net>  
**Sent:** Tuesday, May 07, 2019 3:33 PM  
**To:** Caswell, Lynne  
**Subject:** Cemetery definition

I ran a couple of ideas for an all-in-one definition of Ancient Burying Ground past my committee members and those I heard back from liked the first of the two below.

“Ancient Burying Ground” means a cemetery established before 1880 wherein burial is restricted to members of the family, families,

or group of persons who established the cemetery, but may include others of their choosing.

“Ancient Burying Ground” means a cemetery established before 1880 wherein burial is restricted to members of the family or families who established the cemetery and their descendants,

or is restricted to the persons or group of persons specified by those who established the cemetery, but may include others of their choosing.

You have the family and private definitions from our meeting. Not sure if the SLG Committee will like any of them, but at least there is something to show them we tried.

See you at the work session.

Helen



Maine Municipal  
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## Testimony of the Maine Municipal Association

### Neither For Nor Against LD 806 *An Act To Clarify the Definition of "Ancient Burying Ground"*

March 18, 2019

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Senator Claxton, Representative Martin, members of the State and Local Government Committee, my name is Garrett Corbin and I am testifying neither for nor against LD 806 on behalf of the Maine Municipal Association.

This legislation would include in the definition of "ancient burying ground" family burying grounds established before 1880. Pursuant to Title 13, section 1101 and Title 30-A, section 2901, municipalities are mandated by statute to keep veterans' graves, headstones, monuments and markers in ancient burying grounds in good condition and decorated on Veterans Day.

There is some concern amongst municipal officials that the re-definition proposed in this legislation could expand the current mandate to maintain veterans' graves in private cemeteries to an untold number of cemeteries that have not been maintained for decades or more. The cost of bringing such cemeteries into line with the current "good condition" standard is difficult to project with any certainty, but could very well constitute a significant burden on local taxpayers.

For this reason, the Association requests the addition of the following section to LD 806 to clarify that municipalities are authorized but not required to care for veterans' graves in abandoned cemeteries.

**Sec. 3. 13 MRSA, §1101(3) is enacted to read:**

**1-B. Grave sites of veterans in abandoned cemeteries.** To the best of its ability given the location and accessibility of abandoned cemeteries as defined in Title 30-A, section 3107, the municipality in which an abandoned cemetery is located is authorized but not required to 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 abandoned cemetery, the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations, descendants of veterans buried in abandoned cemeteries, 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.