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An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried

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

Sec. 1. 13 MRSA §1101, as amended by PL 1999, c. 700, §1, is further amended to read:

§ 1101.Maintenance and repairs; municipality

~~In any ancient burying ground, as referenced in Title 30-A, section 5723, or public burying ground in which any Revolutionary soldiers or sailors or veterans of the Armed Forces of the United State of America who served in any war are buried, the municipality in which saidthat burying ground is located shall keep in good condition and repair all graves, headstones, monuments orand markers designating the burial place of said Revolutionary soldiers or sailors or veterans of the Armed Forces of the United States of America who served in any war and, to the best of its ability given the location and accessibility of the ancient burying ground, 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.~~

In any public burying ground in which any veterans of the Armed Forces of the United States of America are buried, the municipality in which the burying ground is located shall keep in good condition and repair all graves, headstones, monuments and markers designating the burial place of the veterans and shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year.

Sec. 2. 13 MRSA §1101-B, as enacted by PL 1999, c. 700, §2, is amended to read:

§ 1101-B.Ancient burying grounds

1. Access to ancient burying grounds on privately owned land. The owner of an ancient burying ground shall provide ~~municipalities~~a municipality or its caretaker designated pursuant to section 1101 access necessary to perform the duties pursuant to section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide ~~municipalities~~ access may result in the owner being held responsible for any fines, court costs and attorney's fees incurred by municipalities in legally obtaining access or for failing to meet the requirements of section 1101.

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.

SUMMARY

This bill amends the law governing ancient burying grounds and public burying grounds.

1. It authorizes a municipality to delegate to a caretaker the municipality's responsibilities regarding an ancient burying ground.
2. Current law requires municipalities to care for public burying grounds in which veterans of the Armed Forces of the United States of America who served during a war are buried. This bill removes language requiring service during a war.