

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify the Law Governing the Maintenance of Veterans' Grave Sites

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

Sec. 1. 13 MRSA §1101, as repealed and replaced by PL 2013, c. 421, §1, is amended to read: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 ~~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 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.

2. Grave sites of veterans in public burying grounds. 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 good condition and repair from May 1st to September 30th of each year, ~~including:~~

- ~~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;~~
- ~~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.

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.

SUMMARY

This bill:

1. Clarifies that the municipality in which an ancient burying ground is located is responsible for keeping in good condition only the graves, headstones, monuments and markers of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States;

2. Specifies that municipalities may collaborate with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons in maintaining the grave sites of veterans; and

3. Repeals specific statutory guidelines regarding the maintenance of veterans' grave sites in public burying grounds and instead provides that each municipality in which a public burying ground is located must adopt standards of good condition and repair to which grave sites of veterans must be kept.