



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 40

H.P. 35

House of Representatives, January 17, 2013

An Act To Protect a Private Memorial Placed in a Public Right-of-way

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CHASE of Wells.
Cosponsored by Senator CUSHING of Penobscot and
Representatives: BENNETT of Kennebunk, HARVELL of Farmington, PARRY of Arundel,
SANDERSON of Chelsea, SIROCKI of Scarborough, Senator: FLOOD of Kennebec.

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

2 **Sec. 1. 17-A MRSA §507-C** is enacted to read:

3 **§507-C. Private memorial in public right-of-way**

4 1. A person is guilty of tampering with a private memorial in a public right-of-way
5 if that person intentionally or knowingly destroys, mutilates, defaces, injures or removes
6 a monument, marker or other structure, placed in a public right-of-way, designed as a
7 memorial to mark the site of the death of a person or any portion or fragment of such a
8 memorial. For purposes of this section, "right-of-way" means a section of public land
9 that is adjacent to and located within 20 feet of the outside edge of the paved portion of
10 any public way as defined in Title 29-A, section 101, subsection 59.

11 Violation of this subsection is a Class D crime.

12 2. A person is not guilty of tampering with a private memorial in a public
13 right-of-way if:

14 A. The person has been given written authority by an authorized member of the
15 family of the person being memorialized to remove the private memorial;

16 B. The private memorial is more than 3 feet in height; or

17 C. The private memorial has been erected for more than one year.

18 **SUMMARY**

19 This bill prohibits the removal or destruction of a private memorial placed in a public
20 right-of-way to mark the site of the death of a person.