



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1233

H.P. 781

House of Representatives, March 21, 2023

An Act Regarding the Maine State Cemetery Preservation Commission

Reference to the Committee on State and Local Government suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative GREENWOOD of Wales.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: COPELAND of Saco, FAULKINGHAM of Winter Harbor, MATLACK of
St. George, PAULHUS of Bath, RISEMAN of Harrison, RUDNICKI of Fairfield,
WOODSOME of Waterboro, Senator: NANGLE of Cumberland.

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

2 **Sec. 1. 13 MRSA §1374, sub-§3**, as enacted by PL 2021, c. 584, §2, is amended to
3 read:

4 **3. Duties.** The cemetery preservation commission ~~may~~ shall:

5 A. Advise and educate municipalities and property owners about the existence of
6 burying grounds and cemeteries and the laws applicable to burying grounds and
7 cemeteries;

8 B. Advise and educate municipalities, property owners and owners of burying grounds
9 and cemeteries on the proper care and preservation of graves, gravestones, walls and
10 fences in and around burying grounds and cemeteries; ~~and~~

11 C. Review statutes applicable to burying grounds and cemeteries and provide
12 information to the Legislature on recommended changes; and

13 D. Investigate violations of the laws governing burying grounds and cemeteries
14 reported to the cemetery preservation commission, municipal officials, state and local
15 law enforcement agencies, a statewide association dedicated to the preservation of
16 neglected cemeteries or a statewide association dedicated to the operation and
17 maintenance of cemeteries. The cemetery preservation commission shall provide
18 information relating to the investigations and recommendations for action on the
19 violations to municipal officials and the Attorney General.

20 **Sec. 2. 13 MRSA §1374, sub-§3-A** is enacted to read:

21 **3-A. Powers.** The cemetery preservation commission may:

22 A. Hire appropriate staff to assist in carrying out the duties of the cemetery
23 preservation commission;

24 B. Create a web page on the State's publicly accessible website that provides
25 information related to the cemetery preservation commission's duties and powers;

26 C. Prepare educational materials, which may include links to websites relating to the
27 laws governing burying grounds and cemeteries, for distribution to municipalities and
28 officers of associations that have representatives on the cemetery preservation
29 commission for distribution to their members;

30 D. Establish a grant program under which communities may apply for a grant for the
31 restoration of burying grounds and cemeteries; and

32 E. Submit to the Legislature, at the start of each session, such legislation as the
33 cemetery preservation commission determines appropriate regarding the care,
34 protection and preservation of and access to burying grounds and cemeteries.

35 **Sec. 3. Burial-transit permit fee increase.** The Department of Health and Human
36 Services shall increase the fee for a burial-transit permit by \$5. The \$5 increase must be
37 used to fund the operation of the Maine State Cemetery Preservation Commission. For
38 purposes of this section, "burial-transit permit" means a permit for the transportation,
39 temporary storage, disinterment or final disposition of a dead body by burial, cremation,
40 burial at sea, use by medical science or removal from the State, as specified by the Maine
41 Revised Statutes, Title 22, section 2843.

