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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 656, L.D. 1662, Bill, “An Act To Clarify the Law Governing the Maintenance of Veterans' Grave Sites”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 13 MRSA §1101, as repealed and replaced by PL 2013, c. 421, §1, is amended to read: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 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 ancient burying ground, the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations 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.

1-A. Grave sites of persons who are not designated as veterans in ancient burying grounds. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality in which an ancient burying ground is located may keep the grass, weeds and brush suitably cut and trimmed from May 1st to September 30th of each year on all graves, headstones, monuments and markers in the ancient burying ground not designating the burial place of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's functions regarding an ancient burying ground.

COMMITTEE AMENDMENT

1           **2. Grave sites of veterans in public burying grounds.** ~~In any public burying~~  
2 ~~ground in which a veteran of the Armed Forces of the United States is buried, the~~  
3 ~~municipality in which that burying ground is located shall~~ A municipality, cemetery  
4 corporation or cemetery association owning and operating a public burying ground shall,  
5 in collaboration with veterans' organizations, cemetery associations, civic and fraternal  
6 organizations and other interested persons, keep the grave, headstone, monument or  
7 marker designating the burial place of any veteran of the Armed Forces of the United  
8 States in that public burying ground in good condition and repair from May 1st to  
9 September 30th of each year, including.

10 A municipality in which a public burying ground is located may, in collaboration with  
11 veterans' organizations, cemetery associations, civic and fraternal organizations and other  
12 interested persons, adopt standards of good condition and repair to which grave sites of  
13 veterans of the Armed Forces of the United States must be kept. The standards at a  
14 minimum must detail how to maintain the grave, grass and headstones.

15 If a municipality does not adopt standards, the municipality, cemetery corporation or  
16 cemetery association shall apply the following standards of good condition and repair:

17           ~~A. Regrading the grave site to make it level when the grave site has sunk 3 or more~~  
18 ~~inches compared to the surrounding ground;~~

19           ~~B. Maintaining the proper height and orientation, both vertical and horizontal, of the~~  
20 ~~headstone, monument or marker;~~

21           ~~C. Ensuring that inscriptions on the headstone, monument or marker are visible and~~  
22 ~~legible;~~

23           ~~D. Ensuring~~ Ensure ~~that the average height of grass at the grave site is between 1.5 to~~  
24 ~~2.5 inches but no more than 3 inches is suitably cut and trimmed;~~

25           ~~E. Keeping~~ Keep ~~a flat grave marker free of grass and debris; and~~

26           ~~F. Keeping~~ Keep ~~the burial place free of fallen trees, branches, vines and weeds.~~

27           **Sec. 2. 13 MRSA §1101-A, sub-§4** is enacted to read:

28           **4. Public burying ground.** "Public burying ground" means a burying ground or  
29 cemetery in which any person may be buried without regard to religious or other  
30 affiliation and includes a cemetery owned and operated by a municipality, a cemetery  
31 corporation or a cemetery association.

32           **Sec. 3. 13 MRSA §1101-B, sub-§2**, as amended by PL 2013, c. 421, §2, is  
33 further amended to read:

34           **2. Maintenance by landowner.** A person who owns a parcel of land that contains  
35 an ancient burying ground and chooses to deny access to the municipality or its caretaker  
36 designated pursuant to section 1101 shall assume the duties as described in section 1101  
37 and Title 30-A, section 2901, subsection 1. Maintenance of an ancient burying ground by  
38 the owner exempts the municipality from performing the duties as described in section  
39 1101.

40 A municipality or its caretaker designated pursuant to section 1101 to carry out the  
41 municipality's functions regarding an ancient burying ground must have access to any

1 ancient burying ground within the municipality in order to determine if the ancient  
2 burying ground is being maintained in good condition and repair. If an ancient burying  
3 ground or a veteran's grave within an ancient burying ground is not maintained in good  
4 condition and repair, the municipality may take over the care or appoint a caretaker to  
5 whom it delegates the municipality's functions regarding an ancient burying ground.'

## 6 SUMMARY

7 This amendment:

8 1. Provides that a municipality, in collaboration with veterans' organizations,  
9 cemetery associations, civic and fraternal organizations and other interested persons, must  
10 keep the grass, weeds and brush suitably cut and trimmed on veterans' grave sites in  
11 ancient burying grounds to the best of its ability from May 1st to September 30th of each  
12 year;

13 2. Provides that a municipality, in collaboration with veterans' organizations,  
14 cemetery associations, civic and fraternal organizations and other interested persons, may  
15 keep the grass, weeds and brush suitably cut and trimmed on grave sites of persons who  
16 are not designated as veterans in ancient burying grounds to the best of its ability from  
17 May 1st to September 30th of each year;

18 3. Allows a municipality to designate a caretaker to whom it delegates the  
19 municipality's functions regarding care of grave sites of persons who are not veterans in  
20 an ancient burying ground;

21 4. Requires a municipality, cemetery corporation or cemetery association, in  
22 collaboration with veterans' organizations, cemetery associations, civic and fraternal  
23 organizations and other persons, to keep grave sites of veterans in public burying grounds  
24 it owns and operates in good condition and repair from May 1st to September 30th unless  
25 a municipality, in collaboration with veterans' organizations, cemetery associations, civic  
26 and fraternal organizations and other interested persons, adopts standards of good  
27 condition and repair, instead of requiring a municipality to adopt standards as required in  
28 the bill. The standards that must be met include: ensuring that grass is suitably cut and  
29 trimmed; keeping a flat grave marker free of grass and debris; and keeping the burial  
30 place free of fallen trees, branches, vines and weeds;

31 5. Adds a definition of "public burying ground"; and

32 6. Specifies that a municipality or its designated caretaker must have access to any  
33 ancient burying ground within the municipality in order to determine if the ancient  
34 burying ground is being maintained properly, and if the ancient burying ground is not  
35 maintained properly, it gives the municipality the authority to take over the care or  
36 appoint a caretaker.