

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY

H.P. 777 - L.D. 1054

An Act To Amend the Laws Regarding Ancient Burying Grounds

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

Sec. 1. 13 MRSA §1101, sub-§1, as amended by PL 2013, c. 524, §1, is further amended to read:

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, descendants of veterans buried in the ancient burying ground and other interested persons, shall keep in good condition all graves, headstones, monuments and markers 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, descendants of veterans buried in the ancient burying ground 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. A caretaker for a municipality may be designated only by a writing signed by the municipal officers as defined in Title 30-A, section 2001, subsection 10.

Sec. 2. 13 MRSA §1101-A, sub-§1, as enacted by PL 1999, c. 700, §2, is repealed and the following enacted in its place:

1. Ancient burying ground. "Ancient burying ground" means a cemetery established before 1880 in which burial is restricted to:

A. Members of the family or families that established the cemetery, their descendants or others as chosen by the members of the family or families that established the cemetery; or

B. Persons or a group of persons as specified by the persons or group of persons that established the cemetery.

The existence of an ancient burying ground may be established in accordance with section 1101-B, subsection 3.

Sec. 3. 13 MRSA §1101-B, sub-§3 is enacted to read:

3. Documentation; lack of documentation or apparent marked boundaries. The existence of an ancient burying ground may be documented in papers, including:

A. Records of the register of deeds;

B. Property deeds;

C. Manuscripts or published records of the history of a county or municipality;

D. Records of a municipality; or

E. Historical or current maps.

A lack of documentation of an ancient burying ground as described in this subsection may not disprove the existence of an ancient burying ground if there is physical evidence of its existence.

A lack of apparent marked boundaries of an ancient burying ground may not disprove the existence of an ancient burying ground.

Sec. 4. 13 MRSA §1101-D, as enacted by PL 1999, c. 700, §2, is amended to read:

§1101-D. Unorganized townships

If an ancient burying ground or a public burying ground as described in section 1101 is located in an unorganized township, the county in which the township is located is subject to sections 1101, 1101-B and 1101-C except that the county is not required to designate a caretaker by a writing as required in section 1101, subsection 1.