



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

60 Community Drive | Augusta, ME 04330-9486

1-800-452-8786 (in state)
(T) 207-623-8428
(F) 207-624-0129

Testimony of the Maine Municipal Association

In Opposition to

LD 1233 - *An Act Regarding the Maine State Cemetery Preservation Commission*

April 18, 2023

Sen. Nangle, Rep. Stover, and members of the State and Local Government Committee, my name is Rebecca Lambert, and I am testifying today in opposition to LD 1233 on behalf of the Maine Municipal Association's (MMA) elected 70-member Legislative Policy Committee (LPC) and as a member of the Maine State Cemetery Preservation Commission (MSCPC) representing MMA and municipal interests.

Municipal officials across Maine fully support the maintenance of cemeteries and burial grounds within their borders and further aim to follow the law requiring the maintenance of veterans' graves. When the MSCPC was established during the 130th Legislature, MMA was happy to fill a seat to represent municipal interests. Under current law, the commission is authorized to provide advice and education to municipalities, property owners and owners of burying grounds and cemeteries, for matters relating to the existence, preservation and proper care of said burying grounds and cemeteries.

MMA has serious concerns with the bill as written, particularly the part that would authorize and require enforcement action for violations of the laws governing burying grounds and cemeteries. MMA is eager to work with the commission to fulfill its charge but feels this authorization is a bit too heavy handed at this point in the commission's lifespan. To date, commission members have not collated or distributed any educational materials or broad advice to municipalities, and we would prefer an opportunity to do so before adding more authority to the commission's duties.

Attached to this testimony is a document with suggested changes to the language for consideration that would authorize, rather than require, investigations into law violations which would be communicated to the municipality, property owner, or owner of the burying ground or cemetery, and would not include the Attorney General at this time.

It's clear that funding is essential to create educational materials and to carry out the current charge of the commission. To develop and supply the grant program proposed in this bill would also require a funding mechanism. Local leaders fully support a grant program where municipalities may apply for money to assist with the restoration of burying grounds and cemeteries. As you are aware, municipalities often operate on tight budgets and appreciate the recognition of those funding challenges.

Although the LPC is opposed to LD 1233 as written, municipal officials stand ready to work with commission members to assist in accomplishing the goal. Thank you for your time and for considering the municipal perspective on this issue.



WWW.MEMUN.ORG

An Act Regarding the Maine State Cemetery Preservation Commission

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

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

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

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

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

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

The cemetery preservation commission may:

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

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

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

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

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

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

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

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

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

Sec. 4. Grant program; report. By November 6, 2024, the Maine State Cemetery Preservation Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters relating to establishing a grant program pursuant to the Maine Revised

131st Maine Legislature
An Act Regarding the Maine State Cemetery Preservation Commission
L.D.

Statutes, Title 13, section 1374, subsection 3-A, paragraph D. The joint standing committee may report out a bill relating to the report to the 132nd Legislature in 2025.

SUMMARY

Current law authorizes, rather than requires, the Maine State Cemetery Preservation Commission to take certain actions that are identified as duties. This bill requires the cemetery preservation commission to take those actions. The bill ~~adds to~~ **authorizes an addition to the duties of the** that the cemetery preservation commission ~~may a requirement to~~ investigate violations of the laws governing burying grounds and cemeteries and make recommendations related to those violations to the relevant municipal **officials or property owners and the Attorney General**. The bill authorizes the cemetery preservation commission to hire staff, create a web page on the State's publicly accessible website, prepare educational materials for distribution to municipalities and statewide cemetery associations, establish a grant program under which communities may apply for a grant for the restoration of burying grounds and cemeteries and submit legislation at the start of each session regarding the care, protection and preservation of and access to burying grounds and cemeteries. The bill also directs the Department of Health and Human Services to increase the fee for a burial-transit permit by \$5, with the increase to be used to fund the operation of the Maine State Cemetery Preservation Commission.