



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 862

S.P. 307

In Senate, March 12, 2015

An Act To Clarify Who May Authorize Repairs in a Burying Ground

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative MARTIN of Sinclair and
Senators: BURNS of Washington, DAVIS of Piscataquis, HAMPER of Oxford, SAVIELLO of
Franklin, WILLETTE of Aroostook, Representatives: BABBIDGE of Kennebunk, BRYANT
of Windham, DEVIN of Newcastle.

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

2 **Sec. 1. 13 MRSA §1371, sub-§1, ¶A**, as enacted by PL 1987, c. 326, §1, is
3 amended to read:

4 A. The authorization of the owner of the burial lot or a lineal descendent or next of
5 kin of the deceased buried there, if reasonable to locate and notify; or

6 **Sec. 2. 13 MRSA §1371, sub-§3** is enacted to read:

7 **3. Removal of memorial.** If a tomb, monument, gravestone, marker or other
8 structure placed or designed as a memorial to the dead is in such poor condition that it
9 must be removed or if the preservation of that memorial cannot be guaranteed in its
10 original location, that memorial may be removed by a person who has obtained
11 authorization or approval described in subsection 1, paragraph A or B to another location
12 accessible to the public where that memorial's preservation can be guaranteed. Prior to
13 removal of the memorial, a notice must be submitted to the municipality, or to the county
14 in the case of a memorial in an unorganized territory, stating the location and
15 identification of the memorial, the authority requesting the removal and the site to which
16 the memorial will be moved and providing documentation of the reason the memorial
17 cannot be preserved in its original location.

18 When possible, a replacement or replica of the removed memorial must be place in the
19 original location along with information as to the location of the original memorial. If
20 such placement is not possible, then a sign must be placed recording the new location of
21 the memorial.

22 **SUMMARY**

23 This bill allows the next of kin of a deceased person, in addition to a lineal
24 descendent, to authorize the repair, maintenance or removal of a memorial to the
25 deceased. This bill also allows a memorial to be moved if it is in poor condition or the
26 preservation of the memorial cannot be guaranteed in its present location.