

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries**

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

**Sec. 1. 13 MRSA §1035** is amended to read:

### **§ 1035. Penalties**

~~Whoever~~Except for violations of section 1371-A, a person who fails to comply with or violates any of the provisions of this chapter in respect to the establishment, maintenance or operation of a cemetery, community mausoleum, crematory or columbarium, or to the disposal of dead human bodies shallis subject, unless another penalty is provided under this chapter, ~~be punished by~~to a fine of not less than \$100 nor more than \$500, or ~~by~~to imprisonment for not more than 6 months, or ~~by~~to both. A violation of section 1371-A is a civil violation punishable by a fine of not less than \$100 nor more than \$500.

**Sec. 2. 30-A MRSA §4452, sub-§3, ¶B-2** is enacted to read:

B-2. Notwithstanding paragraph B, the maximum penalty for violation of a law or ordinance identified in subsection 5, paragraph T is \$500.

**Sec. 3. 30-A MRSA §4452, sub-§5, ¶R,** as amended by PL 2005, c. 240, §5, is further amended to read:

R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; and

**Sec. 4. 30-A MRSA §4452, sub-§5, ¶S,** as enacted by PL 2005, c. 240, §6, is amended to read:

S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules; and

**Sec. 5. 30-A MRSA §4452, sub-§5, ¶T** is enacted to read:

T. Laws pertaining to limitations on construction and excavation near burial sites in Title 13, section 1371-A and local ordinances and regulations adopted by municipalities in accordance with this section and section 3001 regarding those limitations.

## **SUMMARY**

HP0401, LD 523, item 1, 123rd Maine State Legislature  
An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries

This bill specifies that a violation of the statutory limitations on construction and excavation near burial sites is a civil violation punishable only by fine. This provision is enforceable by municipalities.