

§1101-B. Ancient burying grounds

1. Access to ancient burying grounds on privately owned land. The owner of an ancient burying ground shall provide a municipality or its caretaker designated pursuant to section 1101 access necessary to perform the duties pursuant to section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide access may result in the owner being held responsible for any fines, court costs and attorney's fees incurred by municipalities in legally obtaining access or for failing to meet the requirements of section 1101.

[PL 2013, c. 421, §2 (AMD).]

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

A municipality or its caretaker designated pursuant to section 1101 to carry out the municipality's functions regarding an ancient burying ground must have access to any ancient burying ground within the municipality in order to determine if the ancient burying ground is being maintained in good condition and repair. If an ancient burying ground or a veteran's grave within an ancient burying ground is not maintained in good condition and repair, the municipality may take over the care or appoint a caretaker to whom it delegates the municipality's functions regarding an ancient burying ground.

[PL 2013, c. 524, §3 (AMD).]

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; [PL 2019, c. 561, §3 (NEW).]
- B. Property deeds; [PL 2019, c. 561, §3 (NEW).]
- C. Manuscripts or published records of the history of a county or municipality; [PL 2019, c. 561, §3 (NEW).]
- D. Records of a municipality; or [PL 2019, c. 561, §3 (NEW).]
- E. Historical or current maps. [PL 2019, c. 561, §3 (NEW).]

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.

[PL 2019, c. 561, §3 (NEW).]

SECTION HISTORY

PL 1999, c. 700, §2 (NEW). PL 2013, c. 421, §2 (AMD). PL 2013, c. 524, §3 (AMD). PL 2019, c. 561, §3 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.