

State Laws and Legislation Concerning the Upkeep of Veterans' Graves

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Issue

Describe other states' laws and legislation on maintaining veterans' graves in non-veteran cemeteries.

Summary

Every state has a [national](#) or [state-run](#) veterans cemetery within its jurisdiction. Further, several states authorize local jurisdictions to establish sections in public or private cemeteries for veterans (e.g., [Minnesota](#), [New York](#), [Ohio](#)). However, many veterans are buried in other public and private cemeteries. We identified nine states, including Connecticut, that have enacted laws concerning the care of veterans' graves located outside of veteran-specific lots. Additionally, we also conducted a search of related legislative action over the last 10 years and identified three bills that were introduced but not enacted.

State Laws

We identified nine states that have enacted laws concerning the care of veterans' graves located outside of veteran-specific lots. The table below includes laws that (1) are specific to cemeteries or historical burying grounds run by the state or municipality; (2) address the placement of flags, headstones, markers, or other memorialization at veterans' graves; or (3) address the general maintenance or upkeep of all cemeteries.

**Table 1: State Statutes Concerning the Upkeep of Veterans' Graves
in Non-Veteran Public and Private Cemeteries**

State	Citation	Summary
California	Cal. Mil. & Vet. § 960 et seq. & Cal. Mil. & Vet. § 949	<p>Town or county cemeteries established under their authority are responsible for maintaining veterans' graves, including (1) ensuring proper marking and identification and (2) keeping the plot in decent order and repair and free from weeds, rubbish, defacement, injury, and unlawful markings. The town or county may enter into an agreement with private cemeteries to do this. Fraternal or benevolent organizations that maintain eligible lots may apply to the county to maintain these lots. The county or town may levy taxes to comply with these requirements.</p> <p>Counties must maintain indigent veterans' graves.</p>
Connecticut	CGS § 27-123	Each town must appoint three veterans to ensure the care of wartime veterans' graves within the town. The town must appropriate funds for the maintenance costs if private persons or cemetery trustees do not pay for the upkeep.
Illinois	60 ILL. Comp. Stat. 1/30-65	At the annual township meeting, electors may provide for the decoration and maintenance of graves within the township of persons who served in the U.S. armed forces.
Maine	Me. Stat. tit. 13, § 1101 & Me. Stat. tit. 30, § 5723	<p>A town, cemetery corporation, or cemetery association owning and operating a public burying ground, in collaboration with other interested organizations, must keep the grave, headstone, monument, or marker designating a veteran's burial place in good condition and repair (e.g., cut and trim grass; keep grave marker free of grass and debris; and keep burial place free of fallen trees, branches, vines, and weeds) from May 1 to September 30 of each year. Towns, in collaboration with the interested organizations, may impose additional requirements.</p> <p>A municipality may raise or appropriate money for, among other things, the care of veterans' graves and the maintenance of fences around cemeteries in which veterans are buried.</p>

Table 1 (continued)

State	Citation	Summary
Massachusetts	Mass. Gen. Laws. Ch. 115, § 9	Every town must appoint a veteran (or a veteran's spouse or Gold Star family member in certain circumstances) as a "veterans' graves officer." The officer is responsible for ensuring each veteran's grave within the town is suitably kept and cared for (e.g., clearing weeds and unseemly growth, upkeeping nearby fences, and raising and repairing sunken gravestones). The town is responsible for the cost if it is not paid for by private persons or the cemeteries' trustees.
New Jersey	N.J. Rev. Stat. § 38:17-6	Each county may levy a tax for repairing and maintaining indigent veterans' graves within the county.
Ohio	Ohio Rev. Code § 5901.16 et seq.	<p>If petitioned by a local veteran association or, if no association exists, at least five local veterans, towns must, at the county's expense, purchase or provide a veterans' section within one or more cemeteries for neglected and indigent veterans. The town is responsible for the annual maintenance costs for veterans' graves in these sections.</p> <p>Each county or town may also enter into contracts with cemetery associations for burying veterans and their spouses within the cemetery and maintaining these graves. Counties or towns may also purchase individual plots for a veteran if no such lot exists and provide for the plot's care.</p> <p>Each county is responsible for the proper care of veterans' graves and the portion of the cemeteries or burying grounds used exclusively for veterans.</p>
Pennsylvania	16 Pa. Cons. Stat. § 15515	Generally allows counties to assume the responsibility of caring for veterans' graves and headstones.
Wisconsin	Wis. Stat. § 45.85	Every town, at the county's expense, must ensure the proper and decent care of the graves and tombstones of veterans and their spouses.

Related State Legislation (2015-2025)

In conjunction with the legislative library, we conducted a search of legislation introduced, but not enacted, between 2015-2025 relating to the upkeep of veterans' graves in non-veteran public and private cemeteries.

Table 2: Related Legislation Concerning the Upkeep of Veterans' Graves

State	Year	Bill	Summary
Kentucky	2016	HB 144	Would have allowed the governor to declare the week before Memorial Day as Kentucky Cemetery Cleanup Week
Maine	2015	HP 772	Would have created the Municipal Veterans' Grave Fund to provide grants to municipalities to maintain veterans' graves in municipal cemeteries
Wisconsin	2019	A.B. 150/S.B. 180	Would have limited the aggregate reimbursement to all towns located in the same county for expenses incurred for the care of veterans' graves

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