SENATE DOCKET, NO. 1831 FILED ON: 1/21/2011

SENATE . . . . . No. 1817

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and the United States flags when placed..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	
Dennis A. Rosa	*4th Worcester*
Christine E. Canavan	*10th Plymouth*
Anne M. Gobi	*5th Worcester*

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By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1817) of Jennifer L. Flanagan, Dennis A. Rosa, Christine E. Canavan and Anne M. Gobi for legislation to provide suitable flags for the graves of veterans who served in the armed forces. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and the United States flags when placed..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. (1) The legislative body of a town, city, or municipality in this Commonwealth, upon petition of a local, or an affiliate of a, recognized veterans' organization or of 5 eligible voters of the town, city, or municipality shall procure for and furnish to the petitioners, at the expense of the town, city, or municipality, a suitable flag holder and United States flag for the grave of each veteran who served in the armed services of the United States and who is buried within the limits of a public or private cemetery located within the town, city, or municipality. The requirement to provide a suitable flag holder and United States flag for private cemeteries does not apply in the current fiscal year where an initial request for a suitable flag holder and United States flag exceeds 50 graves within a particular town, city or municipality, but would apply in following fiscal year of a particular town, city or municipality.

11 (2) A suitable flag holder and the United States flag shall be placed on the grave of a
12 veteran for the purpose of marking and designating the grave for memorial purposes.

13 (3) A suitable flag holder is defined as the flag holder and its support staff/rod; both flag
14 older and support staff/rod shall be of metal; and shall be with the appropriate symbolism to
15 represent the veteran's period of military service, i.e. Revolutionary War, War of 1812, Mexican-
16 American War, Civil War, Spanish-American War, World War I, World War II, Korean War,
17 Vietnam War, Persian Gulf War, Global War on Terrorism, Peacetime service, etc.

18 (4) All materials shall be manufactured in the United States.

19 (5) Suitable flag holders and the United States flag will be protected under applicable
20 laws and penalties per M.G.L. (Ch. 226, Section 126A)

21 Section 2. In a petition to the legislative body of a city, town or municipality in this
22 Commonwealth, the petitioners shall set forth the name of the soldier, marine, sailor, airman,
23 whose grave has not been appropriately marked as contemplated in this act, together with the
24 number of the graves at the time of petitioning, and the cemetery where the graves are located.

25 Section 2a. (1) A privately owned cemetery, upon the request of a family member of a
26 veteran of the United States who is buried with the cemetery, shall provide a suitable United
27 States flag not large than 12 inches by 18 inches, at the cemetery's expense, for the grave of the
28 veteran. The cemetery shall be responsible for the cost and maintenance of the United States
29 flag.

30 (2) A privately owned cemetery shall provide the United States flags required under
31 subsection (1) for the placement during Memorial Day, the Fourth of July, and Veterans Day,

32 and may, but shall not be required to, provide the United States flags during any other times of
33 the year.

34 (3) A request to a privately owned cemetery under this section shall include the location
35 of the grave of the veteran for whom a United States flag is to be provided. The family member
36 who makes the request is responsible for placing the United States flag on the grave of the
37 veteran, and may supply and use, at her own expense, a suitable flag holder. The privately owned
38 cemetery may temporarily remove the flag and flag holder for maintenance of the grounds, but
39 must put back the flag and flag holder upon completion of the maintenance.

40 (4) In the case of a mausoleum or other burial chamber containing the graves of more
41 than one veteran, a privately owned cemetery need only supply one United States flag for
42 placement at the mausoleum or burial chamber to memorialize all of those veterans' interred
43 within.

44 Section 3. A person who willfully takes down, destroys, defaces, or carries away or
45 possess a flag holder or other design or memorial flag placed at a grave for memorial purposes
46 without authority from the owner of the cemetery or the person causing the flag holder or other
47 design or memorial flag to be placed in the cemetery or at the grave is guilty of a crime
48 punishable by imprisonment for not less than 90 days.