



By Tom Leininger/Journal and Courier

PREPARING FOR REBURIAL: Jessica Javorsek, an anthropology graduate student from Colorado Springs, helps Criss Helmkamp, assistant professor of anthropology at Purdue University, catalog isolated bones and artifacts from the Tucker Cemetery in rural Shelby County. The remains of 20 people were believed to have been buried from the 1830s to the 1880s. The headstones in the cemetery where they were buried were reportedly cleared away in the 1930s by a farmer, and the ground had been farmed ever since. The remains will eventually be reburied.

More changes in laws proposed

By Jeff Parrott
Journal and Courier

This year was a ground-breaking one for cemetery preservation advocates determined to make Indiana's laws hold more reverence for the dead.

Defacing or damaging cemetery monuments became a crime, and farmers were prohibited from plowing under tombstones on their land.

But debate on the issue only began this year, and more changes in the law are sure to follow, said state Rep. Markt Lytle, a Madison Democrat who chairs the House Natural Resources Study Committee gathering public input this summer and fall.

Lois Mauk, who heads the Indiana Pioneer Cemetery Restoration Project, said her grassroots group's top priority next year will be cemetery maintenance.

Under a law change two years ago, township trustees are now prohibited from tending to cemeteries on private property, even if the property owner allows access, she said.

Mauk's group also will lobby for a bill that would require property owners to allow access to cemeteries on their land.

"We will push for it with protection against liability for the property owners who are usually afraid visitors will get hurt," Mauk said. "And it would make visitors

If you go

Before passing any more laws concerning cemetery preservation, the Indiana General Assembly's Natural Resources Study Committee will gather public input on the issue. It will hold the first of four public hearings at 1 p.m. Tuesday and at 9 a.m. Wednesday at Brown County State Park, Abe Martin Lodge, in Nashville.

Dates and locations for the other meetings, likely in September and October, will be set Tuesday and Wednesday. For directions to Brown County State Park, call toll-free at (877) 265-6343.

For more information on the subsequent hearings, call the Legislative Information Center at (317) 232-9856.

responsible for damage."

Mauk said she would accept language that would limit visitation to specified times of the day.

Lawmakers interviewed by the *Journal and Courier* were afraid to touch the issue, dubbed "ingress/egress."

"I know we have to address it somehow, but that's a tough one," said Lytle, a funeral director. "I haven't got a position on it yet. We haven't talked about it enough. I think we need to address it in one manner, if nothing else than to keep it the same."

"This is part of a huge issue and we have just begun to address it," added Rep. Cleo Duncan, a Greensburg Republican who pushed unsuccessfully for a bill requiring counties to take over cemetery maintenance from township trustees.

"This is one of those things that we need to really talk about, hear both sides, and figure out some way both sides are going to be somewhat satisfied. I don't know."

Asked to predict what changes to the law are most likely to come next, Lytle said those who sell a piece of property might be required to disclose a cemetery's existence to the buyer.

"Another topic would be looking at development. How would we protect cemeteries? We have some developers that are concerned it could shut down their whole development. Do we just shut down an area around the cemetery?"

Lytle said he is leaning toward supporting language that would require developers who stumble upon cemeteries to leave a 100-foot buffer area between their

new development and the cemetery, as the law requires of coal-mining operations.

"I think we would like to encourage those cemeteries to stay where they are when we can, but we know we can't keep some cemeteries from being moved," Lytle said. "So when we do have to move a cemetery, we want to make sure it's done with dignity and respect."

Lawmakers also will explore the issue of how family members should be contacted when a developer runs into a grave, he said.

"What types of family members? We can't just let one family member say, 'OK, we've been contacted and we speak for everyone.'"

Lytle also hedged when asked whether cemetery preservation is a cause worthy of public funding.

"I'm not taking a position on that yet either because that would be a mandate, unless you provide funding through the state. I want to hear it from the people first before we get that far."

Lytle said he wants to address cemetery preservation slowly, to avoid an unfair impact on others, particularly farmers.

"I'm very sensitive to the issue because I've been in the funeral business my whole life and I want to be respectful of our deceased, and their loved ones who are still living, but I want to be practical, too," he said.