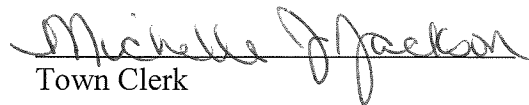


# CEMETERY ORDINANCE

of the Town of Chebeague Island  
MAINE

Adopted by the Town Meeting:  
Effective: June 9, 2013

Attest:

  
Town Clerk

Seal:

Section 116. TITLE

This Ordinance shall be known as and may be cited as the “Cemetery Ordinance for the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance”.

SECTION 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to establish a Cemetery Committee under Title 13, M.R.S.A. §1301, and to create a framework for regulating and managing the use and operation of the Chebeague Cemetery. This Ordinance is adopted pursuant to 30-A M.R.S.A. §3001.

SECTION 103. DEFINITIONS

“Burial” refers to the remains of a single person, whether in a casket or in cremated form.

A “grave” or “gravesite” is a parcel of cemetery land suitable for the burial of a single full casket. Some gravesites are specifically for cremations, and are smaller.

A cemetery “lot” is a parcel of cemetery land that may contain a block of graves, sometimes, but not always, owned by a single family.

SECTION 104. THE CEMETERY COMMITTEE

1. Appointment, qualifications, tenure, and vacancies on the Cemetery Committee
  - A. The Cemetery Committee will have between five (5) and seven (7) members appointed by the Board of Selectmen. They shall serve without compensation.
  - B. The Superintendent of the Cemetery will serve as a non-voting, ex-officio member of the Committee. The Board of Selectmen may also appoint other staff of the Town, such as the staff member who maintains the Cemetery accounts, as non-voting ex-officio members of the Committee.
  - C. Members shall be legal residents or property owners of the Town of Chebeague Island. Property ownership in this case includes ownership of a cemetery grave or lot.
  - D. The term of office of each regular member shall be three years. The terms of office shall be staggered, with the terms of 2 (3, if the Committee has 7 members) members expiring in one year; the term of one (2, if the Committee has 7 members) member expiring in the next year; and the terms of two members expiring in the third year.
  - E. The Committee may create subcommittees to work on particular issues. These subcommittees may include members who are not members of the Cemetery Committee.

F. Vacancies may occur by reason of resignation, death, or removal from the Town. The Board of Selectmen will fill vacancies for the unexpired term.

2. Organization and Rules of the Committee

A. The Committee shall annually elect a Chairperson and a Secretary. Each of these officers shall serve a one-year term and shall be eligible for reelection. The Chair will call the meetings and the Secretary will take minutes.

B. A majority of the members shall constitute a quorum.

C. All meetings shall be held pursuant to public notice and be held in a public building.

D. All records of meetings and actions of the Committee shall be public records except for deliberations and decisions relating to personnel or cases involving individual burials.

E. The Committee may adopt additional rules, not inconsistent with this Ordinance, for its operation, as necessary.

3. Duties of the Cemetery Committee

A. The Committee is advisory to the Board of Selectmen. The committee shall make recommendations to the Selectmen concerning:

i. Regulations for the Cemetery.

ii. Policy for the operation, care and maintenance of the Cemetery, including recommendations for capital expenditures.

iii. Investment of perpetual care funds.

iv. Changes in fees to be charged for Cemetery services.

v. Expansion of the Cemetery.

vi. Removal of the Superintendent of the Cemetery for cause and the hiring of any new Superintendent.

4. The Cemetery Committee will provide an annual report to the Board of Selectmen on the operation and financing of the Cemetery.

SECTION 105. CEMETERY FINANCES

Town of Chebeague Island Code of Ordinances  
Chapter 11 – Administration  
Article VIII – Cemetery

1. The Perpetual Care Fund

This fund is created under 13 MRSA 1306 that requires that at least 30 percent of the proceeds from the sale of lots and individual gravesites in the Cemetery be deposited in an endowment fund for the Cemetery. This fund is held at the Town's bank. The Cemetery Committee will make recommendations to the Selectmen on the proportion of monies from the sale of lots to be invested in the Perpetual Care Fund.

2. The Cemetery Reserve

The Cemetery Reserve is funded by several revenue streams and is used for Cemetery capital expenditures such as repair and maintenance of gravestones, purchase of equipment, and repair of buildings. This account will also be held at the Town's bank. Its revenues are:

- A. Interest from the Perpetual Care Fund. Under state law, this interest must be devoted to maintenance of the Cemetery or for the purchase of additional Cemetery land.
- B. Money from the sale of cemetery lots that does not go into the Perpetual Care Fund principal.
- C. Money from burial administrative fees.

3. The Town Appropriation

The Town will annually budget for the operation of the Cemetery including compensation for employees and regular annual expenses.

4. The Cemetery Committee and the Town Administrator shall develop the annual budget for the Cemetery. This budget will recommend operating expenses from the Town appropriation, and capital expenditures from the Cemetery Reserve.

SECTION 106. OPERATION OF THE CEMETERY

1. A Superintendent will be appointed annually by the Board of Selectmen and will report to the Town Administrator. The Superintendent will be responsible for:

- A. Maintaining a map and record in the Town Office of the layout of the Cemetery and the ownership of lots and/or individual graves.
- B. Selling lots through Town Office with the assistance of Town staff responsible for the Cemetery.
- C. Arranging for opening and closing of graves and setting of gravestones.

Town of Chebeague Island Code of Ordinances

Chapter 11 – Administration

Article VIII – Cemetery

D. Determining the dates of the winter closing and spring opening of the Cemetery for burials.

E. Maintaining the grounds, buildings, and equipment of the Cemetery.

F. Make day-to-day administrative and operational decisions related to the Cemetery.

3. In the performance of these responsibilities the Superintendent may arrange for work to be performed by Town employees or other contractors. Such work and any outside contracts are subject to the approval of the Town Administrator and the Selectmen.

4. Under 30-A MRSA 2901 Municipalities are responsible for decorating graves of veterans of the Armed Forces of the United States of America with an American flag in an appropriate flag holder on Memorial Day (observed). They are also required to request that the Church bell be rung at 11:00 on Veterans Day.

SECTION 107. ENFORCEMENT AND PENALTIES

This Ordinance shall be enforced by the Selectmen and the Town Administrator. Each violation of this Ordinance shall be punishable by a fine of at least \$50 but no more than \$200.

SECTION 108. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

SECTION 109. SEVERABILITY

In the event that any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

## RETURN ON THE WARRANT

Chebeague Island, Maine

June 1, 2013

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said Town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at: Chebeague Island Town Office, Chebeague Island Hall Community Center, Chebeague Island Library, Chebeague Island Recreation Center, Island Market, Chandlers Cove Landing, Chebeague Transportation Companies vessel "Islander" and the said Town, being public and conspicuous places in said Town, on the first day of June, 2013, being at least seven days before the meeting.

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Resident of Chebeague Island

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