

## Introduction & Definitions

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The Portage Lake Municipal Cemetery is located between Portage Road (Route 11) and Fox Hill Road, with access from both roads. The Portage Lake Town Office and Public Works Department are responsible for the organization and maintenance of the cemetery. These Cemetery Rules & Regulations (hereinafter referred to as rules) have been approved by the Portage Lake Board of Selectpersons. All civil laws of the State of Maine and all ordinances legally enacted by the Town of Portage Lake are complied with.

The Cemetery is a non-denominational, non-sectarian cemetery with lots being sold without discrimination with respect to race, color, creed or sexual orientation.

The Town enters into agreements with a person(s) who pays the current fees for gravesite lots, hereinafter referred to as lots, and perpetual care. The agreement will not be changed without the consent of the person(s) concerned or his/her designated heirs. The person or heirs may not change the conditions of the agreement without the approval of the Town.

Purchase of a lot(s) does not constitute a legal transfer of ownership. Legal title to the lot(s) remains with the Town of Portage Lake. The agreement essentially constitutes a "right of burial" of designated person(s). The lot owner agrees that no other use of the lot may be made without the consent of the Town Office. The lot owner agrees to comply with all the rules now in effect governing the setting of grave markers or monuments, the care and decoration of graves, and with all other rules and regulations which the Town may issue in the future. In issuing a receipt for payment for a lot, the Town assures the lot owner that no one may be buried in that plot without his/her consent or that of his/her heirs and/or legally constituted agent.

## Burial Lots

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### I. PURCHASE PROCEDURE

Requests for the assignment/purchase of a specific lot(s) for burial in accordance with these rules will be made to the Portage Lake Town Office. The assignment of each lot to a purchaser will be arranged through a meeting between the individuals and the Portage Lake Town Clerk. At that time, the lot will be mapped, rules provided and explained, and the Cemetery Lot Conveyance, or certificate of right of burial, will be issued upon receipt of payment. Each cemetery lot is 5'X10'.

### II. RESERVATIONS

Lots will not be held longer than thirty (30) days without arrangements being made for payment of the same.

### III. INTERMENT PRIVILEGE

The Cemetery Lot Conveyance gives only a right or privilege of interment of human remains and the right to provide a memorial.

### IV. PERPETUAL CARE

Fifty percent (50%) of the purchase price of a cemetery lot will be set aside in a perpetual care fund, with the remaining 50% to be utilized for regular maintenance of the cemetery. Perpetual care funds may not be expended by the Town for any purpose other than the care of the cemetery (MRS 13, Ch. 83(3) §1306). Income from the Perpetual Care Fund accruing as interest will be used for the general care, improvements, equipment, and materials, etc., and the development of the cemetery. The Town reserves the right and assumes the responsibility for the care of the cemetery, including all the graves, roadways, and general maintenance. This care includes but is not limited to:

- \* Mowing the grass
- \* Grading and seeding lots as needed
- \* Trimming around markers/monuments as needed
- \* Maintenance of culverts or ditches as needed for proper drainage

The care does NOT include re-setting of markers/monuments or their respective foundations, nor maintenance of shrubs, trees or

flowers planted by individuals before these rules were established.

All grave openings and closings will be done by the Portage Lake Public Works Department or someone contracted by the Town to do so.

### V. FEES AND PAYMENTS

Fees for the lot and perpetual care must be paid in full before any burial is permitted. The Town Manager may make an exception for the truly indigent, or in extenuating circumstances. No work shall be done nor interments performed on any lot on which unpaid bills have accrued.

Fees may be changed upon recommendation of the Town Clerk and approval by the Portage Lake Board of Selectpersons. Current fees are as follows:

\* Lots: \$500 each (\$250 used for current year maintenance and \$250 deposited into the Perpetual Care Fund)

\* Open/Close of full graves: \$500. For Cremation the fee is \$200.

### VI. STRUCTURES, ORNAMENTS AND DÉCOR

NO structures of any kind other than grave markers or headstones will be allowed. Family members will be responsible for maintenance of said markers. If family members are unknown, the Town will assume perpetual care of the stones.

Artificial flowers shall be placed on the marker or in bases next to the marker in such a way as to not interfere with mowing and maintenance. Artificial flowers will be removed by Labor Day.

Ornamental decorations shall be limited to one item per marker and placed in a way as to not interfere with mowing and maintenance. Items include but are not limited to decorative flags, pinwheels, garden ceramics, shepherd hooks, etc. If ornamental décor impedes with general maintenance of the gravesite by the Town, the town will contact the persons responsible to have it removed.

All artificial flowers and ornamental décor will not be placed onto the markers before May 15 of each

year and must be removed before October 15 of each year.

Flags for all veterans will be purchased and placed by the Town.

## Flowers, Shrubs & Trees

NO shrubs, flowers, plants, trees, etc. of any kind are to be planted on or near any grave. No mulch or pea-stone, etc., is to be placed around any markers as it impedes the maintenance of the gravesite. Natural flowers may be placed on top of markers or as close to the bases in such a way as not to interfere with general maintenance. Large flower pots/tubs, window boxes, tubs, urns and other similar containers are NOT allowed on any gravesite.

## Memorials, Monuments & Markers

### I. INSTALLATIONS

Markers/monuments must only be placed after consultation with Portage Lake Public Works. Public Works will measure the lot and mark where the stone should be placed, preferably by a monument company. Markers must be placed in a straight line with others in the same row. Flat markers must be positioned flush to the level. Corner lot markers must be positioned flush to the ground level. A headstone must never be located in a foot marker position.

### II. MAINTENANCE & ENGRAVING

The Town will not be responsible for the maintenance of any marker, memorial, corner posts/stones, or their attachments and foundations. The Town reserves the right to remove or cause to be removed any structure which could potentially cause physical harm to any person(s) or adjoining lots. Immediate family members will be contacted to the best of the Town's ability if any stone has fallen and needs repair.

## Burials

### I. OPENING & CLOSING GRAVE LOTS

The opening and closing of individual grave lots shall be arranged by the lot owner and funeral director in conjunction with the Town Clerk and Public Works foreman. The lot owner/heirs or the funeral director will contact the Town Office of a pending burial. Public Works will mark the assigned lot and open the grave when appropriate. Payment of opening and closing charges will be the responsibility of the lot owner and must be paid before any work is done on the grave, unless other arrangements are made through the funeral home.

### II. OUTER BURIAL CONTAINERS

No burial will be allowed without a minimum concrete, fiberglass, steel, etc., burial vault approved by the Town and the funeral director. The purchase and installation of the vault shall be arranged by the lot owner and the funeral director. All cremains must be buried in a suitable permanent container in case of future removal.

### III. BURIAL DATES

No burial will take place until the middle of May, unless weather permits. Burials may continue throughout the summer until the cemetery is no longer reasonably accessible in the fall due to weather or snow. Burial dates may be changed at the discretion of the Town.

### IV. DISINTERMENT

Disinterment may only take place with a signed order from the next of kin of the deceased. A licensed funeral director must be present, and State Law must be conformed to. Disinterment of cremated remains must also follow the same guidelines.

## Amendments

The Town reserves the right to amend, modify, or make additions to these rules and regulations at any time without notice, subject to approval by the Board of Selectpersons. All reasonable means will be taken to notify lot owners of major changes. No changes or amendments to these regulations may be in conflict with State law or Town Ordinance.

# Portage Lake Municipal Cemetery

## Rules & Regulations

Originally adopted October 19, 2011

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Town of Portage Lake, Maine

PO Box 255

20 School St.

Portage Lake, ME 04768

[www.townofportage.org](http://www.townofportage.org)

207-435-4361