

# Town of Kingfield Policy for Perpetual Care

---

Perpetual care is a fund that a corporation with a cemetery is required to establish (based on Maine law and Diocesan policy). This cemetery perpetual care fund must be created by depositing in the fund 50% of the proceeds received from the sale of burial rights in the cemetery.

The Maine Statute that governs perpetual care is MRSA Title 13 §1306. It reads as such: A person, corporation or any other private entity that controls a cemetery shall establish a cemetery perpetual care fund. This fund is separate from any permanent care and improvement fund for a community mausoleum on a cemetery's premises established under section 1348. The income from the cemetery perpetual care fund must be devoted to maintenance of the cemetery.

## **Maintenance and repairs for public burying ground:**

*Public burying ground is defined as burying ground or cemetery in which any person may be buried without regard to religious or other affiliation and includes a cemetery owned and operated by a municipality, a cemetery corporation or a cemetery association*

The care and maintenance shall be limited to mowing and trimming of lawns, the cleaning and maintenance of roadways, walks and buildings which has been necessitated by natural growth and ordinary wear provided there are sufficient funds from the income for these purposes.

The term "Perpetual Care" shall in no case mean the maintenance, repair or replacement of any memorial placed or erected upon any lot (plot); nor the planting, cutting, watering or care of any privately planted tree or shrub; nor the planting of flowers or ornamental plants; nor the doing of any special or unusual work in any cemetery; nor does it mean the reconstruction of any granite, bronze, or concrete work on any section of the lot (plot), or any portion or portions thereof in any cemetery, injured or damaged by any cause, direct or indirect, beyond the town's reasonable control.

Monument Maintenance - the care, maintenance and repair of monumental work are the responsibility of the family or estate of the deceased. If the Town is required to undertake any work relating to a monument so as to ensure public or employee safety, it may recover these costs from the interment right holder.

The Town reserves the right to trim or remove any items which have become unsightly and no longer contribute to the beauty and dignity of the cemetery. The Town is not responsible for any items removed.

## **Maintenance and repairs for ancient burying grounds:**

*Ancient burying ground is defined as a private cemetery established before 1880.*

# Town of Kingfield Policy for Perpetual Care

---

Ancient burying grounds. In any ancient burying ground, as referenced in MRSA Title 30-A, section 5723, the municipality in which that burying ground is located shall keep in good condition all graves, headstones, monuments and markers and, to the best of its ability given the location and accessibility of the ancient burying ground, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year.

A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground.

## **Maintenance and repairs for grave sites of veterans in public burying grounds:**

In any public burying ground in which a veteran of the Armed Forces of the United States is buried, the municipality in which that burying ground is located shall keep the grave, headstone, monument or marker designating the burial place of any veteran of the Armed Forces of the United States in good condition and repair from May 1st to September 30th of each year, including:

1. Regrading the grave site to make it level when the grave site has sunk 3 or more inches compared to the surrounding ground.
2. Maintaining the proper height and orientation, both vertical and horizontal, of the headstone, monument or marker.
3. Ensuring that inscriptions on the headstone, monument or marker are visible and legible.
4. Ensuring that the average height of grass at the grave site is between 1.5 to 2.5 inches but no more than 3 inches.
5. Keeping a flat grave marker free of grass and debris; and keeping the burial place free of fallen trees, branches, vines and weeds.

The maintenance and repair of monumental work are the responsibility of the family or estate of the deceased.

This policy shall be administered and enforced by the Municipal Officers/Town Manager or his/her designee.

*Passed by the Municipal Officers; Town of Kingfield, State of Maine on the 17<sup>th</sup> day of October, 2016.*

**Updated language to change AA to TM 2023**