

**ORR’S ISLAND CEMETERY ASSOCIATION
ORR’S ISLAND, MAINE**

RULES AND REGULATIONS

1.0 GENERAL INFORMATION

1.01 Background

The Cemetery was founded in 1838 by Deacon William and Frances Orr. As a private cemetery established before 1880, it is defined under Maine law as an “ancient burying ground”. (M.R.S.A. Title 13, Chapter 83:§1101-A)

1.02 Description

The Cemetery is located adjacent to the Orr’s Island Meeting House, 1579 Harpswell Islands Road, Orr’s Island.

It consists of five burial sections, a proposed future section, and a non-burial, open-space parcel. Total land area is 3.5 acres.

The several sections are identified as follows:

Section	Year	Lots	- - - - Number of - - - -
	Opened		Gravesites
Old Yard	1838	130	520
New Yard	1875	63	252
Church Yard	1940	24	120
Upper Terrace	1950	62	310
Intervale Terrace	1970	84	42
Valley Terrace*	2018	96	480
Whiteside Parcel	2014	Non-burial open space.	

*Proposed

A schematic map is shown at Addendum A.

1.03 Organization

The Orr's Island Cemetery Association, Inc., a Maine non-profit corporation without capital, was organized on September 23, 1948 by Island residents to provide a legal entity to own and manage existing and future cemetery lands for the benefit of Association members.

The Association is tax-exempt under Section 501(c)(13) of the Internal Revenue Code.

1.04 Membership

Membership in the Association is subject to the eligibility provisions set forth in Association Bylaws and, in all instances, by a vote of its Trustees.

Briefly summarized, those eligible for membership include:

- Year-round Island residents, minimum of two years.
- Non-residents with long heritage ties to the Island.
- Seasonal residents, minimum 4 years.
- Military veterans, residents of the Town.
- Special and hardship situations.

1.05 Non-Sectarian

The Cemetery is a non-sectarian burial ground.

1.06 Management

The Cemetery is managed by its elected officers under the general supervision of Association trustees.

1.07 Contacts and Assistance

A list of current officers and trustees is attached as Addendum B, together with relevant contact information.

For information or assistance please call or email the Superintendent, or any Association officer or Trustee.

2.0 PURPOSE AND NEED

2.01 Purpose

The adoption of these rules and regulations is for the protection of the burial rights of members, to honor the memory of those buried and memorialized in the Cemetery, and to perpetuate the common good principle associated with the proper maintenance and operation of a community burial ground.

2.02 Reserved Rights

The Association, as owner of the Cemetery land and land improvements, reserves the right to enlarge, replat or change its boundaries, grades, drives, walkways and other general improvements at any time. Such changes shall be consistent with existing burial rights of members. The Association reserves to itself, its agents and to those to whom it grants specific permits, the right of passage over and across burial sites to access other burial sites and for maintenance of the Cemetery.

2.03 Amendments and Corrections

The Association reserves the right to adopt additional rules and regulations or to amend or repeal existing ones as it deems necessary and appropriate. It may waive suspend or modify any rule or regulation in situations where its strict enforcement would result in undue hardship or unintended consequence. These situations will be rare. Decisions shall be based upon fair, objective reasoning. They will not establish a binding precedent.

2.04 Superintendent

A Superintendent elected by Association trustees shall have charge of the Cemetery property and the supervision and control of Association contractors and agents and all persons visiting the Cemetery whether owners of burial rights or otherwise.

2.05 Access and Disclaimers

The Cemetery grounds shall be open to the public seven days each week from sunrise to sunset. Nighttime access is prohibited. In winter months when deep snow blocks gates and drives and in severely inclement weather, the Cemetery will be closed.

The Association disclaims responsibility for any injury to persons or damage to property sustained by visitors to the Cemetery.

Association officials, their agents, contractors and funeral workers may enter the cemetery whenever necessary for timely discharge of their work or duties.

2.06 General Restrictions

Unless prior permission of the Superintendent is obtained, the following actions and activities are prohibited on Cemetery property.

- Recreational activities, group functions and educational tours.
- Possession or discharge of firearms, except in association with military funerals.
- Solicitation of business and posting of signs.
- Snowmobiles, ATV's and other off-road vehicles.
- Picking of flowers, cutting of trees and shrubs.
- Smoking, alcoholic beverages and drugs.

2.07 Vehicles and Parking

No vehicles shall be driven over or parked on any burial site or landscaped area except funeral and Cemetery service vehicles. Parking vehicles on a Cemetery driveway in a manner that blocks passage of other vehicles is prohibited.

Commercial vehicles other than those directly involved in the Cemetery's business are prohibited.

2.08 Waste and Dumping

Visitors must carry out all waste they create within the Cemetery. The dumping of waste, rubbish and debris on Cemetery and adjacent property is prohibited.

The deposit of acceptable fill in designated undeveloped areas of the Cemetery shall be permitted with the prior approval of the Superintendent.

2.09 Conduct

Improper conduct, loud boisterous and unruly behavior, or violation of rules and regulations will result in a request to leave the Cemetery.

2.10 Enforcement

Violation of the Association's Rules and Regulations will be considered a nuisance or trespass. Depending upon its nature, the violation will be

referred to local law enforcement officials. Violations may lead to prosecution under state or federal law.

2.11 Losses and Damages

Reasonable precautions will be taken to protect the property of burial right owners from loss or damage within the Cemetery. But, the Association disclaims responsibility for any loss or damage beyond its reasonable control, especially that caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief makers, unavoidable accidents, invasion, insurrection, riots, or order of any military authority, whether the damage be direct or collateral.

3.0 BURIAL SPACES AND RIGHTS

3.01 Purchases

Members of the Association in good standing shall be eligible to reserve or purchase burial rights in designated burial spaces within the Cemetery.

3.02 Payments

Payment in full of the purchase price of burial rights, together with any unpaid membership dues, service fees or charges shall be made to the Association before the placing of a monument or any grave opening shall occur.

Upon receipt of payment in full of the required amount, the Association will issue a certificate acknowledging its grant of burial rights in the Cemetery. Fifty percent (50%) of the purchase price of the burial rights shall be deposited in the Associations perpetual care trust fund and fifty percent (50%) in the Association's general fund.

The sum deposited in the perpetual care trust fund is non-refundable. It shall be prudently invested to provide a source of income to help defray some of the costs and expenses of maintaining the Cemetery.

3.03 Burial Rights

A "burial right" is defined to mean the right to inter the remains of a human being or the ashes of a human being, sometimes referred to as "cremains".

All burial rights are subject to the Association's Rules and Regulations.

No burial right shall be used for a purpose other than the burial of human remains or cremains or memorializing a deceased human being through placement of a monument.

3.04 Grantee

A “grantee” is the individual (or family) that purchases burial rights or has received them by inheritance or valid transfer from a predecessor grantee. A grantee’s acquisition of burial rights does not grant with it any right, title or interest in real estate but only the right to use one or more specifically defined burial sites in the Cemetery for burials, subject to Association Rules and Regulations and applicable laws and ordinances.

Grantee or grantee’s heirs or assigns shall notify the Association of any change of address or proposed change of ownership in burial rights by assignment or inheritance. Any change in ownership must be supported by evidence satisfactory to the Association.

3.05 Descent

Descent of title to burial rights shall be governed by Maine law. The heirs or devisees of a deceased grantee must provide proof of ownership to the Association.

Copies of wills, court decrees, or notarized statements typically will be required.

3.06 Transfers

No transfer of burial rights will be recognized or become valid unless approved by the Association and a Transfer of Burial Right issued by it to the successor grantee. If perpetual care was not previously paid for the transferred burial right, a perpetual care fee at the current rate shall be paid prior to or concurrent with the execution and issuance of the Transfer of Burial Right.

Successor grantees not currently members of the Association, must join the Association, pay the initial membership fee and annual dues to be eligible to use the transferred burial rights.

4.0 LOT AND GROUND CARE

4.01 General

The general care of the Cemetery shall be the responsibility of the Association. It shall include the cutting and trimming of grass, bushes and trees, cleanup and removal of decorations, maintenance and repair of fences, stairs and drives. It does not include the care of flowers placed by others on gravesites or the straightening, cleaning and repair of monuments.

4.02 Burial Lot

This is the unit of space within the cemetery used for burial of human remains. It is also often known and referred to as a single grave, gravesite, burial space or burial site.

4.03 Burial Plot

This is more than one contiguous burial lot owned by a single member or nuclear family. The full plot size in the various sections of the cemetery is either four or five burial lots. A one-half plot is typically two burial lots.

4.04 Boundaries and Structures

No burial lot or burial plot shall be defined by a fence, hedge or enclosure of any type. Boundaries existing prior to adoption of this rule may be maintained but none may be added to or replaced. No other structures other than approved monuments and corner posts shall be permitted on burial sites or plots.

4.05 Corner Posts

Concurrent with the purchase and granting of burial rights, the grantee shall purchase granite posts to mark the four corners of the burial lot or plot location. Payment for the posts shall be made to the Association which will order and supervise placement of the posts.

4.06 Decorations and Ornaments

No decorations or ornaments such as balloons, boxes, shells, toys, stuffed animals, shepherd hooks, trellises, solar lights, candles, pot buoys, flags, buntings or other articles or objects shall be placed on a gravesite or affixed to a monument. The sole exceptions shall be flag standards and American flags placed on the grave of military veterans.

4.07 Flowers, Plants and Wreaths

Only natural flowers or floral displays in non-breakable containers (preferably disposable ones) shall be permitted. They shall be placed on or adjacent to a monument.

Plantings of annual flowers immediately adjacent to an upright monument, extending not more than 14 inches from the burial side of its base shall be permitted. Only organic mulch shall be used in association with any planting.

Planting of perennial flowers, vines, or ground covers is not permitted.

Natural evergreen wreaths may be placed in season on or adjacent to upright monuments.

Permitted flowers and wreaths shall be removed by the Association as they fade or die.

No artificial flowers, wreaths or decorative displays shall be permitted at any time.

Prohibited items shall be removed and disposed of by the Association.

No responsibility is assumed by the Association for the maintenance or preservation of flowers and wreaths or any container in which they are placed. Memorial Day displays are typically disposed of in early July. Seasonal holiday wreaths shall be removed and disposed of after February 15.

4.08 Shrubs and Trees

No planting of shrubs or trees on or near burial sites is permitted.

The donation and planting of memorial shrubs and trees on the Cemetery's common areas may be permitted subject to the prior approval of the Association's trustees.

4.09 Cleanups and Removals

The Association or its agents reserves the right to remove without prior notice any floral display, vase, urn, wreath, plant or other material placed in the Cemetery that, in their opinion is unsightly, diseased, dangerous, or that interferes with normal maintenance, or is otherwise prohibited by its rules.

The Association provides two major cleanups each season and partial ones, as needed. Grantees may cleanup and dispose of floral displays on their individual burial sites at any time.

5.0 GRAVE MARKERS AND CORNER POSTS

5.01 Definitions

"Monuments" shall mean burial markers elevated above the surface grade of the burial site. They are often referred to as headstones.

"Plaques" shall mean flat or slightly beveled burial markers set flush with or just above the surface grade of the burial site.

"Corner Posts" means granite posts marking the four corners of a burial lot or plot. Most of the corner post shall be buried with a small portion visible at grade.

"Footing" shall mean a buried concrete foundation with its top typically at or slightly below the surface of the burial site. Its design and purpose shall be to support a burial marker.

5.02 Marker Requirement

All burials of human remains and cremains in the cemetery must be identified on a permanently placed marker. The legend on the marker shall include, at a minimum, the name and years of birth and death of the deceased person.

Markers may be placed on burial sites where no interment occurs in memory of a deceased person. The same rules shall apply to memorial markers as those associated with interments.

5.03 Permitted Types

The Association reserves the right to approve the type, size, design, material and craftsmanship of markers placed in the Cemetery prior to their manufacture and placement.

Historically, both headstones and plaques have been used to identify interments and memorials in the Cemetery.

The physical characteristics of the Cemetery, including its topography, soils, and drainage, have proven unfavorable to the use of ground level plaques.

In the passage of time, plaques, particularly those without foundations, whether bronze or granite, tend to sink into the grounds. They are subject to dislocation and damage by grounds maintenance and burial equipment. Some become illegible over time or sink from view.

The Association strongly recommends that all future markers installed in the Cemetery, including those of United States military veterans, be headstones.

If the Association approves a plaque, then the marker must be set on a concrete foundation and affixed to a stone base not less than eight (8) inches above the grade of the burial site.

Existing markers are grandfathered. Whenever possible, grantees are encouraged to replace plaques with monuments.

5.04 Materials

Monuments shall be made of quarried stone, preferably granite or slate with axed, steeled or polished surfaces. Inscriptions shall be "V" cut or sandblasted.

5.05 Footings

Monuments shall be placed on a concrete foundation with dimensions and mass appropriate to the size and weight of the monument it supports. The minimum length and width of the footing shall be not less than those of the monument's base. Its depth shall be not less than two (2) feet for smaller monuments and up to four (4) feet for larger ones. Its top surface shall not extend above grade.

5.06 Monument Sizes

Monument sizes shall be determined by the size of the burial lot or plot the monument is placed on. Grantees are requested, whenever possible, to use a single monument to identify multiple persons interred on their assigned burial lot or plot.

Not more than one marker shall be placed on a single lot.

Lot Type	Lot Width	Single Monument Width
Single	4 feet	24 inches
Double	8 feet	48 inches
Full Plot	16 feet	84 inches

The monument width shall include the above grade base (if any) the monument rests on.

The height and thickness of monuments should be in general proportion to their width.

5.07 Placement

The location and position of a monument on a burial lot or plot shall be coordinated with and prior approved by the Cemetery's Superintendent.

5.08 Content

The Association requires that the carved or etched content on markers meet reasonable standards of decency and public acceptance. Without limitation this shall include graphic designs, symbols, pictures and lettered content. The Association reserves the right to reject placement of monuments that it deems vulgar or offensive.

5.09 Defects and Deficiencies

If any monument fails to conform to a design and plan previously approved by the Association, it shall be the responsibility of the burial right grantee and monument dealer to correct the deficiencies before placement of the monument in the Cemetery can occur.

5.10 Damage to Cemetery

Monument dealers or other contractors or workers installing foundations and markers shall be responsible for any damage to the Cemetery caused by their negligence. The cost of repairs, cleanup and disposal caused by them shall be billed by the Association to the grantee who engaged them.

5.11 Cessation of Work

The Association reserves the right to halt any work being performed by a grantee or by any vendor or contractor hired by a grantee if the work fails to conform to an approved work plan or is in violation of Association rules.

5.12 Correcting Errors

The Association reserves the right to correct any error made in the placement of a monument and to recover its costs from the grantee, or party engaged by the grantee, responsible for the error.

5.13 Upkeep and Maintenance

Grantees shall be responsible for the proper upkeep and maintenance of monuments placed on the lots or plots to which their rights apply. If notice by the Association to a grantee is unanswered after 60 days, the Association reserves the right to correct the condition at the expense of the grantee.

5.14 Removal

No monument shall be removed by a grantee or third-party authorized by grantee without a written permit issued by the Association.

The Association reserves the right to remove any broken or fallen monument or one in serious disrepair, if, after 60-days notice to the responsible grantee, no response has been received with a plan to correct the problem. Or, failing any response from the responsible grantee, the Association may make the required repairs and bill grantee for the work.

5.15 Required Payment

No monument shall be installed unless and until all dues, fees, and expenses previously billed to grantee, its successor or assign, have been paid.

5.16 Temporary Markers

Temporary markers furnished by funeral directors may remain on a site for up to six months following an interment. If a permanent monument has been ordered within this period, the temporary marker may remain until the monument is set. If no monument has been set within one year of interment, the temporary marker shall be removed and a permanent one placed by the Association, with its costs billed to the grantee.

6.0 INTERMENTS

6.01 Available Periods

The Cemetery shall be open for interments at the discretion of the Superintendent. Typically, from November 15 to April 30 of the following year the Cemetery shall be closed to interments. The Superintendent shall adjust these dates each year depending upon weather and ground conditions.

No interments shall be permitted on Sundays, Federal and State holidays.

6.02 Prior Notice

At least two days prior notice (not counting Sundays or holidays) must be given to the Superintendent by a funeral director or authorized grantee of a proposed interment.

6.03 Prohibitions

The Association requires all interments be made by or through a licensed funeral director.

No interments shall be made without the prior notification and approval of the Superintendent. Grantees, relatives and friends of the deceased are specifically prohibited from performing interments unless a waiver of this rule is approved by the Superintendent. Such waivers shall be rare.

The Association will seek damages and costs from violators of this rule, including without limitation, disinterment costs, revocation and forfeiture of burial rights, and legal fees.

6.04 Delays

The Association shall not be held liable for any costs or damages for a delayed or terminated interment resulting from a third-party protest, court order, or any non-compliance with the Rules and Regulations of the Cemetery.

The Association assumes no obligation to recognize any protest of an interment unless it is delivered in writing to the Superintendent or other Association official on a timely basis.

6.05 Burial Site Limits

Only one interment of human remains in a casket and vault shall be permitted in a single burial lot. However, interment of cremains shall be permitted in the lot if the grantee owns valid burial rights pertinent to such interments.

6.06 Vaults

All burials of human remains shall be in caskets placed within rigid, durable containers, commonly referred to as vaults, constructed of natural stone, reinforced concrete or other permanent material approved by the Superintendent. Burials of cremains shall be in vaults of stone or other permanent material.

6.07 Supervision

All funerals or burial events in the Cemetery shall be under the direction of a funeral director licensed in Maine, who shall comply with the Rules and Regulations of the Association.

6.08 Documentation

The Association will be furnished by grantee or a licensed funeral director with a copy of the death certificate and, when applicable, cremation certificates for any burials in the Cemetery. The Superintendent may also require proof of ownership burial rights in any instance where ownership may be in question.

6.09 Grave Opening and Closings

No openings shall be made without the prior knowledge and approval of the Superintendent. Openings and closings shall be performed by a sexton approved by the Superintendent. The grave location shall be marked by the Superintendent prior to its opening.

Excess fill shall be placed in an area designated by the Superintendent or removed from the Cemetery. The costs of any grave opening and closing shall be borne by the grantee.

6.10 Casket Openings

No casket shall be opened within the Cemetery except by a licensed funeral director, his or her authorized assistant, or, upon the order of a court of competent jurisdiction.

6.11 Administrative Fee

The Association shall be paid an administrative fee for each interment in the Cemetery.

7.0 DISINTERMENTS

7.01 Legal Requirements

Disinterments of human remains are governed by M.R.S.A. Title 22, Subtitle 2:§2843-A

7.02 Notification and Supervision

No disinterment shall occur unless prior notification is given to the Association and proper documentation provided to it. No removals shall be made on weekends or holidays. The grave location, grave opening and removal shall be coordinated with the Superintendent and conducted by a licensed funeral director and approved sexton.

7.03 Costs

All costs associated with the disinterment, including Association legal fees, if any, shall be paid by the person or entity legally authorized to make the disinterment prior to its occurrence.

7.04 Removal of Markers

The marker of any disinterred person shall be removed from the Cemetery. The work shall be performed by a qualified monument company. If the marker serves as a memorial to other persons, the vital information on the disinterred person shall be removed. Marker removal or correction work shall be performed by a monument dealer.

7.05 Administrative Fee

The Association shall be paid an administrative fee and reimbursed for all expenses it incurs in any disinterment process, including costs of restoration of the gravesite and adjoining graves, if damage to them occurs.

8.0 VETERANS GRAVES

8.01 Records and Reporting

The Association shall maintain a roster of United States military veterans buried in the cemetery. The roster shall include, if available, the name of the veteran, branch of service, rank or grade, war or conflict period (or years of service).

The Association shall also maintain a roster of veterans whose markers are placed in the Cemetery but whose remains were buried elsewhere.

8.02 Veterans Markers

Veterans' markers provided by the United States come in several styles: bronze plaque, stone plaque and upright stone monument. Veterans are entitled to a government provided marker even if they have a private marker. The Cemetery recommends all future veterans' markers be upright,

"Arlington" style monuments. If the marker is the sole monument on a veteran's grave, it shall remain. If a private marker marks the grave, an upright monument shall be placed in a veterans' section of the Cemetery honoring his or her service, or by a plaque placed immediately adjacent to the veteran's private monument.

8.03 Flags and Flag Standards

Flag standards and American flags shall be placed adjacent to the private marker or service marker of each veteran. Faded or tattered flags shall be removed and disposed of by the Association. These are the only flags permitted on gravesites.

9.0 MEMORIAL GROVE

9.01 Parcel Location

An undeveloped parcel of about one-acre donated by Susan Whitehead is located immediately north of the Intervale and Valley Sections of the Cemetery. By common understanding with the donor, the land shall not be used for interments.

9.02 Proposed Use

Prospective future use is for an open-space area where members and visitors may enjoy a quiet, natural setting adjacent to the Cemetery.

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Addendum

- A. Schematic Map of Cemetery
- B. Officers and Trustees of the Association
- C. Sample Forms:
 - 1. Application For Membership
 - 2. Grantee's Agreement To Comply With Association Rules And Regulations
 - 3. Grant Of Burial Rights
 - 4. Application For Assignment Of Burial Rights
 - 5. Approval Of Assignment Of Burial Rights