



Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-8016
Fax: (207) 287-9058; TTY: 1-800-606-0215

Pursuant to 13 M.R.S.A., Chapter 83, the following criteria apply to cemetery registrations:

§ 1071 Incorporation: Persons of lawful age may organize themselves into a nonprofit-sharing corporation for the purpose of purchasing land for a burying ground and for the purpose of owning, maintaining and operating a cemetery or cemeteries.

§ 1142 Family burying grounds: When a person appropriates for a family burying ground a piece of land containing not more than 1/4 of an acre, causes a description of it to be recorded in the registry of deeds of the same county or by the clerk of the town where it is situated and substantially marks the bounds of the burying ground or encloses it with a fence, it is exempt from attachment and execution.

The owner must have a description of the parcel recorded in the Registry of Deeds for the same county or by the Town Clerk. To best assure protection of the burying ground as well as insuring compliance with any local ordinances we recommend that the parcel be recorded with both the Town and the County.

§ 1181. Restrictions and conditions: *(In relevant part.)* The limits *(of a new or expanded cemetery, burial ground, or mausoleum)* shall not be extended nearer any improved land used for recreational purposes or dwelling house than 100 feet, or nearer any well, from which the water is used for domestic purposes, than 200 feet, ...nor shall any person, corporation or association establish, locate or enlarge any cemetery or burying ground by selling or otherwise disposing of land so that the limits thereof shall be extended nearer any improved land used for recreational purposes or dwelling house than 100 feet, or nearer any well, from which the water is used for domestic purposes, than 200 feet, against the written protest of the owner.

This section provides the following specific guidance for the location of a burying ground:

- 1. The burying ground must be at least 200 feet from any water well used for domestic purposes.*
- 2. The burying ground must be at least 100 feet from any dwelling or improved land used for recreation.*

§ 1301. Incorporation; exemption from attachment and taxation: Any 7 or more persons may be incorporated, not for profit, in the manner provided in section 901 for the purpose of owning, managing and protecting lands and their appurtenances appropriated for public cemeteries. The property of such corporations and the shares of stock therein are exempt from attachment and taxation. Any cemetery corporation may accept and receive donations of money, general legacies and devises of real estate or legacies in trust, for the purpose of landscaping, general beautification and care of lots, memorials, avenues and plots in said cemetery, without being appointed or confirmed by any court as such trustee.

§ 1303. Ownership and operation: Every cemetery, except Veterans' Memorial Cemetery established under Title 37-A, chapter 2, hereafter established shall be owned, maintained or operated by a municipality or other political subdivision of the State, a church, a religious or charitable society, or by a cemetery association incorporated as provided in section 1071. Every such cemetery shall be located in accordance with statutes already in force and effect, and only after consent for such location has been obtained from the municipality or other political subdivision where the same is proposed to be located, as well as from **the Bureau of Health** (emphasis added).

§ 1342. Approval of health authority: Before any person, firm or corporation shall build, construct or erect any such community mausoleum, vault or other burial structure entirely above ground or partly above and partly by excavation, with the intention and purpose that when so built, constructed and erected the same may contain 20 or more deceased human bodies for permanent interment, such person, firm or corporation shall present all plans for such construction to the Bureau of Health and shall obtain the written approval of such plans by said bureau before proceeding with the construction and erection of said mausoleum, vault or other burial structure.

§1371-A. Limitations on construction and excavation near burial sites

1. **Known burial sites.** Construction or excavation in the area of a known burial site or within the boundaries of an established graveyard must comply with any applicable land use ordinance concerning burial sites or graveyards, whether or not the burial site or graveyard is properly recorded in the deed to the property. In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established graveyard, whether or not the burial site or graveyard is properly recorded in the deed to the property, except when the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies or when necessary for the construction of a public improvement, as approved by the governing body of a city or town or, in the case of a state highway, by the Commissioner of Transportation.

To register a new or expanded cemetery, burial ground, or mausoleum with the Department, the registrant must submit the following to the Division of Division of Environmental Health, at the address below:

1. A copy of right, title, or interest to the property proposed for use as a cemetery or burial ground for other than family cemeteries;
2. A copy of the articles of incorporation if the registrant is a corporation, or trustees for other than family cemeteries;
3. A copy of a site plan showing the property lines/boundaries of the proposed cemetery or burial ground. If not drawn to scale, the dimensions must be labeled; and
4. A cover letter explaining the proposal.

Please submit this information to:

Department of Health and Human Services
Division of Environmental Health
Subsurface Wastewater Program
286 Water Street, 3rd Floor
Augusta, ME 04333