

## **ARTICLE VI**

### **Section 106 - Village Cemetery Ordinance**

#### **106.1 - Trustees**

The Town of Thomaston Village Cemetery and all matters connected therewith shall be under the control of a board of ten (10) trustees, to be designated Trustees of the Thomaston Village Cemetery, consisting of four (4) members to be appointed by the Board of Selectmen, the remaining six (6) trustees to consist of the five (5) members of the Board of Selectmen and the Town Clerk. The Town Clerk shall serve as a Trustee and Secretary of the Board of Trustees. The Town Treasurer shall serve as the treasurer of the Board of Trustees. The chairman of the Board of Trustees shall be the chairman of the Board of Selectmen.

#### **106.2 - Resignation from the Board of Trustees**

A municipal office holder cannot resign as a trustee of the cemetery unless he/she also resigns from the municipal office held. The new trustee shall be the next holder of said municipal office. Should an appointed Trustee resign, a replacement shall be appointed by the Board of Selectmen. In all cases, Trustees shall serve until their successors have been chosen, all of whom shall serve without compensation.

#### **106.3 - Authority**

**106.3.1** - Said Trustees shall have the authority to make all necessary by-laws and regulations for their own government and for the management of the cemetery. It shall be their duty to direct the planting, pruning, cultivation or removal of trees and shrubs through their agent, the sexton. They shall cause the removal of plantings by lot owners that in their opinion mar the beauty of the grounds. They shall maintain the avenues and pathways. The Trustees shall have the full authority to do and perform whatever may be necessary to carry into full effect the object of the cemetery. Should Funeral Directors, or their representatives open or cause a grave to be opened without the permission of the sexton, the Trustees shall have the authority to impose such penalties as they find appropriate.

**106.3.2** - The Trustees shall appoint and/or remove at their pleasure, a sexton, and determine the duties and compensation for same.

**106.3.3** - The Trustees shall make a detailed statement of their official acts and of the conditions and needs of the cemetery in the town's annual report.

#### **106.4 - Duties of the Treasurer**

**106.4.1** - The Treasurer of the Town shall receive all monies paid to, or donated to the town cemetery. He/she shall keep a separate accounting thereof under the heading "TOWN CEMETERY FUND". The Treasurer shall disburse money only on the authority of a warrant drawn for that purpose by the municipal officers (In accordance with 30-A MRSA §13-1222). Any monies donated, willed or bequeathed to the town cemetery shall be invested by the Treasurer under the direction of the municipal officers. The interest income may be expended for the support of the cemetery and its care, according to the terms thereof.

**106.4.2** - In the annual report, the town treasurer shall include a detailed statement of the receipts, disbursements and conditions of all "CEMETERY FUNDS".

**106.5 - Lots for Residents**

The town holding in its own right the title to the land comprising the cemetery, and having divided the same into lots, hereby grants unto each and all citizens the right to be interred therein. To all residents of the town who may hereafter need a lot, the Trustees shall grant the exclusive use of a vacant lot.

**106.6 - Lots for Former Residents**

Any person not presently a citizen, of the town, but who is a former citizen, may purchase a lot in time of need, and own same only after paying all monies owed for the purchase and perpetual care. The cost of lots is determined by the Trustees and is subject to change.

**106.7 - Lot Purchase**

Any resident of the town may purchase a lot in the village cemetery for future use after paying all monies owed for the purchase and perpetual care. The cost of lots is determined by the Trustees and is subject to change.

**106.8 - Perpetual Care**

Perpetual care must be paid on all lots granted or purchased in the Village Cemetery. The cost of perpetual care is determined by the Board of Trustees and is subject to change. The amounts received are to be credited to the proper cemetery accounts.

**106.9 - Rights, Title, and Interest of Lot Owners**

No internment should be made in the Town of Thomaston Village Cemetery until the Cemetery Sexton is furnished a permit such as may be required by the Laws of the State of Maine, together with an agreement signed by the owner of record of the burial lot or their legal representative that indemnifies and saves harmless the town from liability should the dead human body be buried in the wrong burial lot or should the owner of record or their legal representative have insufficient title to the burial lot.

The proprietor of a lot shall have the right of erecting a monument and stones with the said placement to be directed by the sexton. They shall have the right to cultivate shrubs following the standards set forth in the By-Laws and Regulations of the Thomaston Village Cemetery. Lot owners should check the By-Laws and Regulations for other restrictions.

**106.10 - Maintenance of Other Cemeteries**

The sexton shall maintain the following cemeteries as part of his/her duties:

106.10.1 - Butler Cemetery - Thomaston Street

106.10.2 - Morse's Corner Cemetery - West Meadow Road

106.10.3 - Elm Grove Cemetery - Erin Street

Please note the town is reimbursed for work done in the Elm Grove Cemetery.

**106.11 - Trusts**

106.10.1 - The Cemetery Trustees may accept, on behalf of the town, and convey to the municipal officers of the town for investment, any gift of money for care by a person who executes a standard form trust agreement, prepared by the town. The acceptance of this trust by the Cemetery Trustees is a mere formality to complete and memorialize individual transactions.

**106.10.1** - Testamentary trusts (trusts by will, without previous execution of the standard form agreement) will require acceptance by the town voters.

**106.10.1** - Trusts previously accepted by the town for care of family or privately owned burial grounds; the town is required by law (30-A MRSA §13-1222) to continue to perform the duties of the trust as prescribed.

**106.12 - Private and/or Family Burial Plots**

From the date of this ordinance, the town will not accept trusts for the care of privately owned or family burial grounds.

**106.13 - Mandated Review**

This ordinance shall be reviewed every five years with the next review due in 1998.

**106.14 - Severability Clause**

**106.14.1** - It is the intention of the Trustees that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Trustees that if any provisions of this ordinance be declared invalid, all other sections remain valid and effective.

**106.14.2** - This ordinance may be amended by a majority vote at a town meeting when such an amendment is promulgated in accordance with statutory provisions.

**106.14.3** - This ordinance shall be in full force and effect when enacted at a town meeting.

**106.14.4** - All existing ordinances of the Town of Thomaston insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

**REVISED: MARCH 26, 1994 AT THOMASTON ANNUAL MEETING**

**AMENDED: JUNE 12, 2019 AT THOMASTON ANNUAL MEETING**