



**CEMETERY  
RULES AND REGULATIONS  
OF THE  
DIOCESE OF PORTLAND  
STATE OF MAINE**

**Revised**

**December 15, 2016**

## **PREAMBLE**

Ever since the Sacred Body of our Crucified Saviour was reverently laid in the tomb, there to await the hour of its glorious Resurrection, the Church has been most solicitous to surround the burial of those who hope to rise with Christ with an atmosphere of deep Christian faith and profound reverence. In the Mass and burial prayers, the Church gives voice to her belief in the Christian doctrines of the Resurrection of the Body, the Communion of Saints, and Life Everlasting; but as a further seal and symbol of that faith she sets apart and solemnly blesses the place in which the bodies of her faithful departed await the day of Resurrection.



In the very earliest days, Mother Church found it necessary to make rules and regulations which would protect these sacred places and the relics laid therein. She could not and would not allow anything within the holy precincts, which would desecrate them, lessen their beauty, or bring dishonor on the dead.

To insure the sacred character of the cemeteries operated by St. Francis Catholic Cemetery of the Diocese of Portland in accord with the mind and traditional practice of the Church and to establish and maintain good order, the following rules and regulations are in effect.

**CREED OF THE NATIONAL CATHOLIC  
CEMETERY CONFERENCE**

**We acknowledge that the Catholic cemetery is established to carry out the sacred religious function of the burial and care for the resting-places of the deceased.**

**We accept the responsibility of implementing this religious function under the direction and supervision of the local Church authority.**

**We believe in and are firmly committed to the teachings and rich tradition of the Catholic Church with regard to the deceased and the sacredness of the cemeteries in which their bodies rest.**

**We recognize the deep religious significance of the Corporal Work of Mercy involved in the burial of the dead and reverence for the deceased.**

**We are dedicated to the respectful care of the people of God who even in death remain a part of the whole Christian community.**

**We are committed to encouraging Catholic prayer and devotion for our deceased brothers and sisters especially in our cemeteries.**

**We will oppose any effort to minimize or destroy any of the Catholic teachings, which relate to death, burial and devotion to the departed souls.**

**We will proclaim through our words, work and example of the Human Body, the Belief in the Resurrection and the Christian Virtue of Hope.**

**RULES AND REGULATIONS  
OF**

**St. Francis Catholic Cemetery**

**Waterville, Maine**

**OF THE DIOCESE OF PORTLAND, MAINE**

For the mutual protection and benefit of burial right holders of St. Francis Catholic Cemetery, the Board of Directors of said Cemetery under the Presidency of the Most Reverend Bishop of the Diocese of Portland hereby adopts the following rules and regulations. All burial right holders and persons within the Cemetery, and all lots (plots), shall be subject to said rules and regulations and such amendments or alterations thereof or additions thereto as shall be adopted by the Board of Directors of the St. Francis Catholic Cemetery, or by the Bishop of the Catholic Diocese of Portland, from time to time; and the reference to these rules and regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein.

**Article I  
Definitions**

**1-A** The term “Management” shall mean the person or persons duly appointed by the Ordinary of the Diocese of Portland for the purpose of operating and administering St. Francis Catholic Cemetery of the Diocese of Portland.

**1-B** The term “Care” shall mean that general care of the cemetery as herein defined.

**1-C** The term “Cemetery” as used herein shall mean all the property for earth burials, and any Mausoleum, Monument or Columbarium for crypt or niche entombment.

**1-D** “Crypt” shall mean a space in a mausoleum of sufficient size to be used to entomb human remains. “Niche” shall mean a space in a mausoleum or columbarium or monument of sufficient size to be used to entomb cremated human remains.

**1-E** “Entombment” shall herein mean burial above ground in a mausoleum crypt/niche or columbarium niche or monument.

**1-F** “Grave” shall mean a space of ground in a cemetery used, or intended to be used, for the burial of human remains.

**1-G** By the term “Interment” is meant either earth burial or entombment and whether or not the human remains are or are not cremated.

**1-H** The term “Lot”(Plot) shall include and apply to one or more than one adjoining grave, or one or more than one adjoining crypt/niche.

**1-I** The term “Burial right holder” shall include person or persons who have purchased interment or entombment rights, or who hold same by **right of transfer, succession or other vested right** by right of inheritance or transfer.

**1-J** The term “Memorial” shall include monument, tombstone, headstone, gravemarker, or tablet, or inscription on crypt front or fronts, for one or more deceased persons.

**1-K** The term “Spouse” shall mean the legally married partner of the opposite sex.

**1-L** The terms, children, grandchildren, great-grandchildren, siblings and so forth refer to those related by blood line or adoption. Nonetheless, the Cemetery will recognize written burial right instructions in favor of other family members in the manner called for under Article VII.

## **Article II Purpose of Cemetery**

**2-A** The Cemetery is intended for the interment of Catholics who are entitled to Christian burial according to the rules and discipline of the Roman Catholic Church. Any question of the burial of a non-Catholic or of any person not entitled to Christian burial according to the rules and discipline of the Roman Catholic Church, shall be decided exclusively by the Management appointed by the Bishop, and such decision shall be final and binding on the parties.

- Setting aside special sections for those of other religious faiths
- Burial within 24 hours
- Allowing family members or other non-cemetery employees to dig graves
- Burial without a casket or vault
- The placing of multiple headstones
- Mounding of graves

Depending on geographic layout of the cemetery, the body may or may not be able to face a particular direction

**2-B** While we as Catholics welcome those of all religions who wish to use our cemeteries, we will not be able to meet all special requirements and traditions of their religion. Such as but not limited to:

- Every effort should be made to accommodate traditions of other religious faiths although we must be mindful of any actions that would cause maintenance difficulties, pose safety hazards to our employees, leave the cemetery open to liabilities or prematurely use up available land by setting aside acreage for other religions.

**2-C** Catholic cemeteries are consecrated and dedicated to the burial of human remains, once temples of the Holy Spirit. No pets or animals of any kind shall be allowed burial in a Catholic Cemetery.

## **Article III Admission to Cemetery**

**3-A** The Management reserves the right to refuse admission to the Cemetery and to refuse the use of any Cemetery equipment or facilities at any time to any person or persons, as the rules, judgment, and tradition may dictate.

## **Article IV Arrangement for Interments**

**4-A** The Management shall have the right to request those wishing to make a selection of a lot (plot), or arrange for an interment, to call at the Cemetery Office in ample time to complete arrangements before closing time of such Cemetery Office. If a Funeral Director or other Agent is authorized to represent the burial right holder, the arrangements made by the agent with Management are binding on said burial right holder. Arrangements made outside of normal business hours may be subject to an additional fee.

**4-B** No organizations, except those approved by the Ordinary of the Diocese and patriotic organizations, will be permitted to conduct services in any cemetery.

**4-C** The Management shall not be responsible for any order given by telephone, or any error occurring from the want of proper instructions as to the size of the casket, or as to the particular grave or crypt locations where interment is to be made. The Management reserves the right to make an equitable charge whenever additional labor costs result from such errors.

**4-D** The Management shall be in no way responsible for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with, or where said rules and regulations shall forbid such interment; and further, said Management reserves the right, under such circumstances, to place the body in a receiving vault until full rights have been determined. Any protest may be required to be in writing and filed in the Cemetery Office.

## **Article V Interment Procedures**

**5-A** All funerals on entering a cemetery shall be governed by the rules and regulations established by the Management.

**5-B** A Burial Permit for each funeral from the city, borough, or township authority having jurisdiction of the matter must be presented to the Management prior to interment.

**5-C** Burial vaults containing traditional full body remains must be constructed of concrete and meet NCBVA minimum standards of 5,000 lb. of pressure per sq. ft.

**5-D** Cremation urns must be constructed of material deemed permanent and durable by the management, such as but not limited to, marble, granite, cast bronze. If any urn is not constructed of material deemed suitable by the management such as but not limited to, cardboard, wood ceramic glass, the urn must be placed in an outside container (vault) approved by the management. Some cemeteries may require outside containers (vaults) for all urns. Please check with the management.

**Subsection 1** No committal service shall be conducted in any Catholic cemetery, chapel or mausoleum without the presence of the deceased remains, for which the service is being conducted.

**5-E** The Management shall not be responsible for the contents of the Burial Permit or for the accuracy of the data contained in said permit or for the identity of the person to be interred.

**5-F** The casket may not be opened at any time within the cemetery without the express permission and in the presence of the Management and the Funeral Director. The Management reserves the right to refuse permission to anyone to open the casket or to touch the body without the consent of the legal representative of the deceased or without a Court Order or an Order from the duly-constituted civil authority having jurisdiction. In the event necessity requires, the Management may take appropriate steps to correct any obnoxious or improper condition.

**5-G** The interment of cremated remains will be permitted only in accordance with the provisions of Canon Law and Diocesan Statutes.

**Subsection 1** The Cemetery management shall inter only the complete cremated remains of a human body. No distribution (e.g., spreading or scattering), separation or co-mingling of remains shall be allowed.

**5-H** No disinterment or removal shall be allowed except with the permission of the Management and with written authorization of the nearest of kin and with proper legal procedure. In certain cases, at the discretion of the Management, permission from the Chancery of the Diocese of Portland may be required.

**5-I** The Management shall exercise due care in making a disinterment and removal, but it shall assume no liability for the damage to any casket, burial case or memorial incurred in making the disinterment and removal.

**5-J** The Management shall have the right to designate the hour and manner in which interments, disinterments, and removals will or will not be permitted. No interment, disinterment or removals will be permitted on Sunday. All interments, disinterments, and removals shall be subject to the payment of such charges as may be fixed by the Management.

**5-K** Besides being subject to the rules and regulations, all interments and removals shall be subject to the orders and laws of the properly constituted authorities of the city, county, and state, including the Regulations of the Department of Human Services.

**5-L** Only persons employed by the St. Francis Catholic Cemetery, and only equipment owned by said Cemetery, shall be used in making interments, or removals, unless the Management makes other arrangements.

**5-M** Cemetery personnel will not be held responsible for damages or injuries resulting from defects in burial vaults, concrete cases and lids thereof when they set or seal said vaults, cases or lids or maintain the same.

## **Article VI Correction of Errors**

**6-A** The Management reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in the description, transfer, or conveyance of any rights or lot (plot), either by canceling such conveyance and substituting and conveying in lieu thereof other interment rights or lot (plot) of equal value and similar location as far as possible, as may be selected by the Management, or at the sole discretion of the Management, by refunding money paid on account of said purchase. In the event any such error shall involve the interment of the remains of any person in any lot (plot), the Management reserves, and shall have, the right to remove and re-enter the remains in such other lot (plot) of equal value and similar location as may be substituted and conveyed in lieu thereof.

## **Article VII Instructions to Burial Right Holders**

**7-A** Persons arranging for interments should visit the Cemetery where the Management will aid them in effecting the necessary arrangements.

**7-B** The Management reserves the right to specify the terms of purchase of all interment rights in lots (plots) and the manner in which said rights shall be held or exercised. The Cemetery in addition to sale price of burial rights may also collect from time to time, in accordance with standards and/or rates then in effect, fees for certain administrative matters, labor (such as grave opening for a burial) and other services.

**7-C** Should the burial right holder fail to carry out the terms of the burial easement and payment contracts, the burial rights are forfeited as described in the payment contract.

**7-D** All grave interments shall be placed in a permanent outside container or burial vault constructed in accordance with specifications approved by the Management.

**7-E** The Management reserves the right to permit or authorize the interment of more than one human remains in one grave or crypt. The Management may exercise this right with reference to single crypts or single graves or any section of graves. Any approved additional interment is subject to additional fees.

**7-F** Interment of non-Catholics will be permitted in the cemeteries under the conditions required by the regulations of the Diocese of Portland.

**7-G** The use of lot (plot) is for the burial right holder or burial right holders' designees for interment only, and not for resale or profit. Any transfer of burial rights **during the life of the burial right holder (including a burial right holder who has acquired rights from an earlier burial right holder that are recognized under these regulations)** must be properly authorized by management.

**7-I** In the event of death of a burial right holder (**including a burial right holder who has acquired rights from an earlier burial right holder that are recognized under these regulations**), any and all privileges of the burial right holder shall pass to the burial right holders' family in the following manner **outlined in subsections A through E below. All burial lots shall be deemed to be subject to these Regulations' transfer, succession and vesting provisions expressed below in subsections A through E below or such other provisions for transfer, succession and vesting as exist at the time of such transfer, succession or vesting:**

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**A.** The spouse of the burial right holder of a lot (plot) containing more than one interment space has a vested right of interment of his/her remains in the lot (plot).

**B.** If the burial right holder shall have filed written instructions at the Cemetery Office as to which member or members of his/her family shall succeed to the rights of said lot (plot), said instructions will be recognized by the Management, and will be followed if in the judgment of said Management instructions are definite, reasonable, and practical, subject, however, to a vested right of interment of the surviving spouse

**C.** If **(i) (a)** no valid or sufficient written instructions shall have been filed, or **(b)** if valid and sufficient instructions are in conflict with a later will, and **(ii)** the burial right holder has left instructions in said will, duly admitted to probate in a court having jurisdiction thereof, (subject, however, to a vested right of interment of a surviving spouse), such instructions **in the will** shall control, provided they are not in conflict with the Cemetery Rules and Regulations and provided the Cemetery is furnished with proof of the same.

**D.** In the absence of valid and sufficient instructions filed by the burial right holder or a duly probated will, the rights of interment shall devolve upon those entitled to succeed **and in the following priority, none of the lower levels coming into play until no living person exists who qualifies at the level(s) above, except that subsection (ix) shall apply at all levels, whenever applicable:**

- (i) Vested right of spouse.
- (ii) If at the time of death of the burial right holder, no spouse survives, then to the surviving children of the burial right holder.

- (iii) If at the time of death of the burial right holder there are no surviving children, then to the surviving grandchildren of the burial right holder.
- (iv) If at the time of death of the burial right holder there are no surviving children or grandchildren, then to the surviving great-grandchildren.
- (v) If at the time of death of the burial right holder there are no surviving children, grandchildren or great-grandchildren, then to the surviving parents.
- (vi) If at the time of death of the burial right holder there are no surviving children, grandchildren, great-grandchildren or parents, then to the surviving siblings.
- (vii) If at the time of death of the burial right holder there are no surviving children, grandchildren, great-grandchildren, parents or siblings, then to the surviving children of the siblings.
- (viii) If at the time of death of the burial right holder there are no surviving children, grandchildren, great-grandchildren, parents, siblings or children of the siblings, then to the surviving grandchildren of siblings.
- (ix) With regard to succession under this Subsection D, within 90 days of the time of death of the burial right holder, those entitled to rights of succession shall contact the Cemetery to assert their rights; failing which, such rights may be forfeit in the judgment of the Management

**E.** In a conveyance to two or more persons as joint tenants, each tenant has a vested right of interment in the lot (plot) conveyed. Upon the death of a joint tenant, the burial right held in joint tenancy immediately vests in the surviving joint tenant or tenants, subject to the vested right of interment of the remains of the deceased joint tenant and the surviving spouse of the deceased joint tenant.

### **Article VIII Service Charges and Payments**

**8-A** The Management shall have a right to fix a charge and time of payments for each interment, disinterment, removal, burial right transferred or released, and for the performance of any other service rendered by the Management; and all work in connection with such service shall be subject to the determination and supervision of said Management.

**8-B** Any indebtedness due for burial rights must be paid in accordance with the payment contract. All payments must be made in full before any memorial may be installed.

### **Article IX Right to Replat**

**9-A** The following rights and privileges are hereby expressly reserved to the Management to be exercised at any time or from time to time for the erection of buildings, or for any purpose or use connected with, incident to, or convenient for, the care or preservation of, or preparation for disposal or interment of, human remains, or other cemetery purpose.

**A.** To re-survey, enlarge, diminish, replat, alter in shape or size or otherwise to change all or any part or portion of the cemetery.

**B.** To lay out, establish, close, eliminate, or otherwise modify or change, the location of roads, walks, or drives, provided ingress and egress to and from any lot (plot) is preserved or is allocated to the burial right holder.

**9-B** The following rights and privileges are hereby expressly reserved to the Management to be exercised at any time or from time to time:

**A.** Easements and rights of way over and through all of the premises of the cemetery for the purpose of installing, maintaining and operating pipe lines, conduits or drains for sprinklers, drainage, electric, or communication lines, or for any other cemetery purpose.

**B.** To temporarily move or relocate a Monument, Memorial, or grave Marker for the purpose of digging graves, constructing foundations or any other purpose deemed necessary by the cemetery Management.

#### **Article X No Easements Granted**

**10-A** No easement or right of interment is granted to any burial right holder in any road, drive, alleyways, or walk within any cemetery, but such road, drive, alleyway, or walk may be used as a means of access to the cemetery and its buildings as long as the Management devotes such road, drive, alleyway, or walk to that purpose.

#### **Article XI Use of Cemetery**

**11-A Visitors** - Visitors within any cemetery shall use only the avenues, roads and walks, unless it is necessary to walk on the grass to gain access to one's lot (plot). The Management expressly disclaims liability for any injuries sustained by anyone violating this rule.

**11-B Strangers** - Strangers are not permitted to sit or lounge on any of the grounds, graves, or monuments in the cemetery, or in any of the buildings.

**11-C Trespassers** - Only the burial right holder and his/her relatives or friends shall be permitted on a lot (plot) in the cemetery. Any other person thereon shall be considered a trespasser, and the Management shall owe no duty to said trespasser to keep the property or, the memorial thereon, in a reasonable safe condition.

**11-D Children** - Children under fifteen years of age are not permitted within the cemetery, unless accompanied by proper persons to take care of them.

**11-E Lawns** - Lawns shall not be obstructed by any planting or decoration except in the following manner: Planting of flowers must be made in front of the main aboveground monument only. Such plantings shall not exceed 14 inches in width and cannot extend beyond the base of the monument. No planting shall be made near or around any individual marker, flush or raised.

**11-F Fencing** - No coping, curbing, fencing, hedging, borders, or enclosures of any kind shall be allowed around the lot (plot) or around any grave. The Management reserves the right to remove same, without notice, if so erected, planted, or placed.

**11-G Urns and Flower Vases** - Placement of approved urns, vases, baskets, boxes and potted plants is restricted to the following locations: one item on either end of the main above-ground monument only. Above items may be placed in front of the monument if no plantings already exist. In the event that there is no aboveground monument on the lot, one of the items described above may be placed where the aboveground monument would be located so as not to obstruct mowing operations. Any artificial decorations must be approved and placed in approved containers in the above said location.

**11-H Ornaments** - The use of shells, crushed or bleached stones, lawn ornaments, glass containers, vigil lights, shepherds crooks and tin cans is strictly prohibited. No lawn ornament of any kind as defined by the management shall be allowed. The Management reserves the right to remove without notice any planting or object that is in violation of these regulations, or in the opinion of the Management is a hazard to its employees or injurious to the general appearance of the cemetery.

**11-I Flags** - Flags may be placed on lots beginning one week before Memorial Day through Flag Day, June 14. All flags must be placed next to the main aboveground monument. No flag may be placed next to any individual markers, flush or raised. Exceptions may be made in flush marker sections and on graves with no monument privileges.

**11-J Motor Vehicles** - Automobiles, funeral cars, and trucks must be kept under control at all times, and must observe posted speed limits. At no time shall such vehicles drive through the gates or within any cemetery at a speed in excess of 15 miles per hour. Automobiles may not park or come to a full stop before an open grave unless such automobiles are in attendance at the funeral. All vehicles operating in the cemetery must remain on the roads.

**11-K Snowmobiles and ATVs** - No snowmobiles or ATVs are allowed in the cemetery.

## **Article XII Conduct in the Cemetery**

**12-A** Idling, loafing, loitering, playing, or any boisterous demonstration within the cemetery is prohibited.

**12-B Rubbish** - Throwing of rubbish on roads, driveways, paths, walks, or any part of the grounds of any cemetery, or in its buildings, is prohibited. All rubbish (including organic) must be removed from the cemetery by those persons generating the rubbish.

**12-C Flowers and Shrubs** - No one shall pluck any flower, or break any branches, or remove, injure, or cut any tree, plant, or shrub without specific permission of the Management.

**12-D Peddling or Soliciting** - No one will be permitted to peddle flowers, plants, or any other article or items, or to solicit the sale of any commodity whatsoever within the cemetery.

**12-E Signs and Advertising** - No signs, notices, or advertising of any kind shall be allowed within any cemetery except those placed by the Management.

**12-F Improper Assemblages** - The Management reserves the right to forbid and prevent assemblages, which it deems improper.

**Article XIII**  
**Grading and Improvements**

**13-A** The Management reserves the exclusive right to do all grading, landscape work, improvements of any kind, and all care of lots (plots); likewise to trim, cut, or remove all trees, shrubs, and herbage that impede cemetery operations.

**13-B** All improvements or alterations of lots (plots) in any cemetery shall be under the direction of, and subject to the approval of, the Management; and, should they be made without its written consent, said Management reserves the right to remove, alter, or change such improvements or alterations at the expense of the burial right holder.

**13-C** The Management reserves the right to use legally approved chemical applications to beautify the cemetery properties.

**Article XIV**  
**Cemetery Hours**

**14-A** The Management shall have the right to fix the opening and closing hours of the cemetery, cemetery office, and all buildings.

**Article XV**  
**Outside Workers**

**15-A** The Management reserves the right to give authorization to any workmen, other than employees of the cemetery, before they may do work in any cemetery. Burial Right holders may have certain work done in accordance with these Rules and Regulations at their own expense upon application to the Management; prices to be agreed upon and paid before said work is done.

**15-B** All outside workers must submit a Certificate of Insurance to management for review before commencing with any work in the cemetery.

**Article XVI**  
**Employees**

**16-A** Employees of the St. Francis Catholic Cemetery are not permitted to do any work for burial right holders, except upon the order of the Management, but are required to be civil and courteous to all visitors.

**Article XVII**  
**Loss or Damage**

**17-A** The Management disclaims all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, earthquakes, war, common enemy, air raids, invasions, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond control of the Management, whether the damage be direct or collateral. In the event it becomes necessary to reconstruct or repair any section of lot (plot), including graves or crypts, or any portion or portions thereof in any cemetery, which has been damaged by such causes, the Management shall give 10-day written notice of the necessity for such repair to the burial right holder of record. The notice shall be given by depositing the same in the United States mail, with postage thereon duly prepaid, addressed to the burial right holder of record, at his or her address stated on the books of the Management. In the event the burial right holder fails to repair the damage within a reasonable time, the Management may direct that the repairs be made and charge the expense against the lot (plot) and to the burial right holder of record.

**Article XVIII**  
**Burial Right Holder's Change of Address**

**18-A** It shall be the duty of the burial right holder to notify the Management of any change in his/her post office address. Notice sent to a burial right holder at the last address in the Management's records shall be considered sufficient and proper legal notification.

**Article XIX**  
**Care**

**19-A** The cemetery shall establish a cemetery perpetual care fund also known as a care and maintenance fund pursuant to MRSA Title 13 section 1306 as amended, where applicable. The perpetual care fund, so called, shall be created by setting aside a portion of the proceeds received from the sale of burial rights in the cemetery, the same to be deposited in the said fund and invested with the income thereby produced to be the resource used for cemetery maintenance. The care and maintenance intended under this paragraph 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.

**19-B** 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 Management's reasonable control.

**Article XX**  
**Memorials and Rules for Memorial Work**

- 20-A** Memorial dealers shall abide by all the rules and regulations of the (Name of Cemetery).
- 20-B** All outstanding fees must be paid in full before any memorial may be installed.
- 20-C** The Management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments, or markers placed or to be placed in any cemetery. All memorials are subject to the approval of the Management prior to the placement, and acceptance or rejection shall be based upon such approval.
- 20-D** The Management also reserves the right to issue under separate cover detailed regulations and instructions pertaining to the kind, size, design, symbolism, craftsmanship, quality, and material of memorials, inscriptions, monuments, or markers to be placed in any cemetery. Said detailed regulations and instructions, and all amendments thereto, are hereby made a part of these rules and regulations.
- 20-E** The Management reserves the right to fix the days and hours when any memorial may be delivered to any cemetery.
- 20-F** Placement or removal of any memorial shall be provided for on the written order of the burial right holder.
- 20-G** Independent monument dealers or contractors who build memorial foundations (where not supplied by the cemetery) are required to comply with specifications and directions established by Management.
- 20-H** A detailed plan and design of all memorials must be submitted to the Management for approval on the form furnished before a permit will be issued. If the memorial does not conform to the approved plan and design, it will be the sole responsibility of the Burial Right Holder and the dealer to correct any errors or deficiencies in design, workmanship and material before installation.
- 20-I** The location and position in which a memorial is to be placed or erected on a lot (plot) shall be entirely subject to the approval, and shall be under the supervision of the Management.
- 20-J** No memorial extending above the surface of the ground shall be erected on lots (plots) designated as "Non-monument plots."
- 20-K** Non-cemetery employees, in placing or erecting monuments and other structures, or bringing in materials in regard to such work, shall operate as independent contractors, but such work must conform to the regulations made by the Management. The Burial Right Holder must share the responsibility of conformity with the said regulations.
- 20-L** Non-cemetery workers, in placing or erecting monuments, building foundations and other structures, are prohibited from scattering their material over adjoining lots (plots), or from blocking roads or walks, or from leaving their material on the grounds longer than is absolutely necessary, or from attaching ropes to trees or shrubs. When any material is to be moved over lawns, planks must be laid to prevent injury.
- 20-M** Damage done to lots (plots), walks, drives, trees, shrubs, or other property by non-cemetery workers, dealers, or contractors, or their agents, may be repaired by the Management; and cost of such repairs shall be charged to the dealer or contractor, or his principal.

**20-N** The Management reserves the right to stop all work of any nature when in its opinion, proper preparations therefor have not been made; or when work is being done in such a manner as to risk injury or to endanger life or property; or when work is not being executed according to specifications; or when any reasonable request on the part of the Management is disregarded; or when any person employed on the work violates any rule of the Management.

**20-O** While the Management will exercise all possible care to protect raised lettering, carving, or ornaments on any memorial or other structure, on any lots (plots), it disclaims responsibility for damage or injury thereto, except of negligence or lack of care in the performance of management, its agents or employees.

**20-P** The Management reserves, and shall have, the right to correct any error that may be made by its employees or by any other person or persons in the location or placing of a memorial in any cemetery.

**20-Q** Should any memorial, mausoleum, or tomb become unsightly, dilapidated, or a menace to the safety of persons within the cemetery, the Management shall have the right, after 30-days notice to the burial right holder of record, either to correct the condition or to remove the same, in either case at the expense of the burial right holder.

**20-R** Soliciting memorial sales or memorial work within any cemetery is not permitted.

**20-S** All monuments, markers, statues, private mausolea or tombs and any human remains contained therein are the responsibility of the original purchaser and their descendents. The management, cemetery, parish and Roman Catholic Diocese of Portland disclaims all responsibility for loss or damage, and especially from damage by an act of God, the elements, earthquakes, war, common enemy, air raids, invasions, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, motor vehicle accidents, deterioration or any cause similar or dissimilar beyond control of the Management, whether the damage be direct or collateral.

## **Article XXI**

### **Private Mausolea and Tombs**

**21-A** Mausolea or tombs, either wholly or partially above ground, shall be constructed only in plots designated for them. Plans, specifications, material and location in the lot (plot) of such mausoleum or tomb shall be subject to the approval of the Management. The Management reserves the right to require that an endowment for future maintenance of mausolea or tomb be deposited with it, said endowment to be of a size specified by the Management.

**21-B** When interment is made in a private mausoleum, the crypt shall be properly sealed, subject to approval of the Management. The entombment must be made in an approved casket which complies with the regulations of the controlling Department of Human Services.

**21-C** No walkways, patios, or other appurtenant structure will be permitted on the ground surrounding a mausoleum. No additions or changes will be allowed after the specifications and foundations plan for a mausoleum have been submitted and approved.

**Article XXII**  
**Community Mausolea**

**22-A** Entombment must be made in an approved casket which complies with the regulations of the controlling Department of Human Services.

**22-B** The Management reserves the right to issue under separate cover detailed regulations concerning the use of Community Mausolea. Such regulations may include, but not be limited to: the decoration of crypts; the size, quantity, type, and placement of lettering on crypts; and the use or non-use of flowers, vigil lights, etc.

**Article XXIII**  
**Receiving Vaults**

**23-A** Receiving Vaults in any cemetery may be used for temporary entombments subject to certain rules and regulations. Their facilities are available only when final interment is to follow in a Catholic cemetery.

**23-B** Receiving Vaults are for temporary use only and subject to a weekly rental, and under no circumstances shall a body be considered as interred or entombed by reason of its being placed therein.

**23-C** The remains of any person who has died of an infectious or contagious disease shall not be placed in a Receiving Vault.

**23-D** The Management reserves the right, without notice, to remove from a Receiving Vault at once and inter any remains when same are not in a state of good preservation, or when the condition of the body renders its interment necessary.

**23-E** The amount of the deposit, handling charges, and weekly rental rate shall be determined by the Management.

**23-F** The body shall be removed from the Receiving Vault in any cemetery within a reasonable time, to be determined by the Management.

**23-G** Upon failure to pay rental, or to make suitable arrangements for the final interment of the remains within a reasonable time, the Management may remove the remains from the Receiving Vault and cause same to be interred in any grave it may select after first having given seven (7) days notice by deposit of a letter in the United States Post Office with postage thereon duly prepaid to the person making the placement at the address stated on the Cemetery records, and shall apply the deposit on the expenses it incurs. In the event of such failure or default, the Management is empowered to act as duly appointed agent in obtaining any and all interment or health permits necessary for said removal and interment. As long as the remains are with said Management, this agency shall be coupled with an interest and this power shall be irrevocable.

**23-H** The Management will exercise due care in making a removal, but shall assume no responsibility for damage to any casket or burial case incurred in making the removal.

**23-I** The Management reserves the right to issue at any time under separate cover detailed regulations and instructions pertaining to Receiving Vaults in any cemetery, or to incorporate specific provisions in any receiving Vault Agreement, and such regulations, instructions, and provisions are hereby made part of these rules and regulations.

**Article XXIV  
In General**

**24-A** The statement of any employee of the St. Francis Catholic Cemetery shall not be binding upon the Management, except as such statement coincides with the document conveying the right of interment, and with these rules and regulations.

**24-B** The rules and regulations shall apply to any mausoleum now in existence or which may hereafter be erected in any cemetery of the St. Francis Catholic Cemetery.

**24-C** The St. Francis Catholic Cemetery through its Management reserves the right, without notice, to make temporary exceptions, suspensions, or modifications of any of these rules and regulations, when, in its judgment, the same appears advisable, and such temporary exception, suspension, or modification shall in no ways be considered as affecting the general application of such rules and regulations.

**24-D** In all matters not specifically covered by these rules and regulations, the Management reserves the right to do anything which in its judgment is deemed reasonable in the premises, and such determination shall be binding upon the plot holder and all parties concerned.

**24-E** The St. Francis Catholic Cemetery through its Management reserves the right at any time and from time to time to change, amend, alter, repeal, rescind or add to these rules and regulations or any part thereof, or to adopt any new rule or regulation with respect to its cemeteries or anything pertaining thereto.

## **Article XXV Local Rules**

The Cemetery will be open from Sunrise to Sunset. Anyone found in the Cemetery after Sunset, without the permission of the Cemetery management will be considered a trespasser. Trespassers will be prosecuted. At certain times of the year, usually, but not limited to spring, the Cemetery may be closed to vehicles if the roads become too soft and muddy. At this time, vehicle traffic will not be allowed beyond the Cemetery office.

The office is staffed Tuesday and Friday 8:00 AM to 12:00 noon. The Cemetery Manager may also be found working in the Cemetery. Should you need to meet with the Cemetery Manager please contact the Cemetery office to make an appointment.

### **ALL DOGS MUST BE LEASHED AND DROPPINGS PICKED UP.**

### **INTERMENTS**

Full interments may be made Monday through Friday 8:00 AM to 2:30 PM and Saturday 8:00 AM to 12:00 PM.

Interment of Cremated remains may be made Monday through Friday 7:00 AM to 2:00 PM and Saturday 8:00 AM to 11:00 AM. From the time of the first snowfall until the frost is out and roads are deemed passable by the management no funeral processions will be allowed into the Cemetery. The Pallbearers may accompany the body to the gravesite.

### **RULES FOR MONUMENTS AND MARKERS**

Rules may vary somewhat from section to section within the Cemetery. Burial Right holders should check with the Cemetery office before purchasing a monument or marker. All monuments and markers must be constructed of granite. Some exceptions may be made when matching stones in older parts of the Cemetery.

No slant-faced monuments are allowed in the newer sections of the Cemetery. Please check with the management.

No above ground monuments are allowed on single graves or in the Cremation Garden, flush markers only.

Monument length can not exceed 45% the width of a lot. Maximum monument length is 72". Height may vary in different sections. Please check with the management.

### **DECORATIONS**

All decorations allowed by the Rules and Regulations, both real and artificial, must be removed by October 1<sup>st</sup>. Any item left after October 1<sup>st</sup> will be disposed of by Cemetery personal. Concrete urns only may be left on lots but should be emptied and turned over to avoid breakage.

### **TREES & SHRUBS**

Trees & shrubs interfere with our ability to make burials. No such plantings are allowed. Any tree or shrub approved by the management prior to Jan. 1, 1999 is grandfathered but may not be replaced if removed.

## **CORPUS CHRISTI CREMATION GARDEN**

Fresh cut flowers only may be placed for holidays, birthdays, anniversaries and alike. As soon as these flowers begin to wilt they will be disposed of by the Cemetery personal. Their containers will be disposed of as well.

For more Rules and Regulations on the Cremation Garden please come to the office.

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The above Rules and Regulations were approved by the Board of Managers of the  
St. Francis Catholic Cemetery of the Diocese of Portland at Waterville, ME, December 15, 2016.