

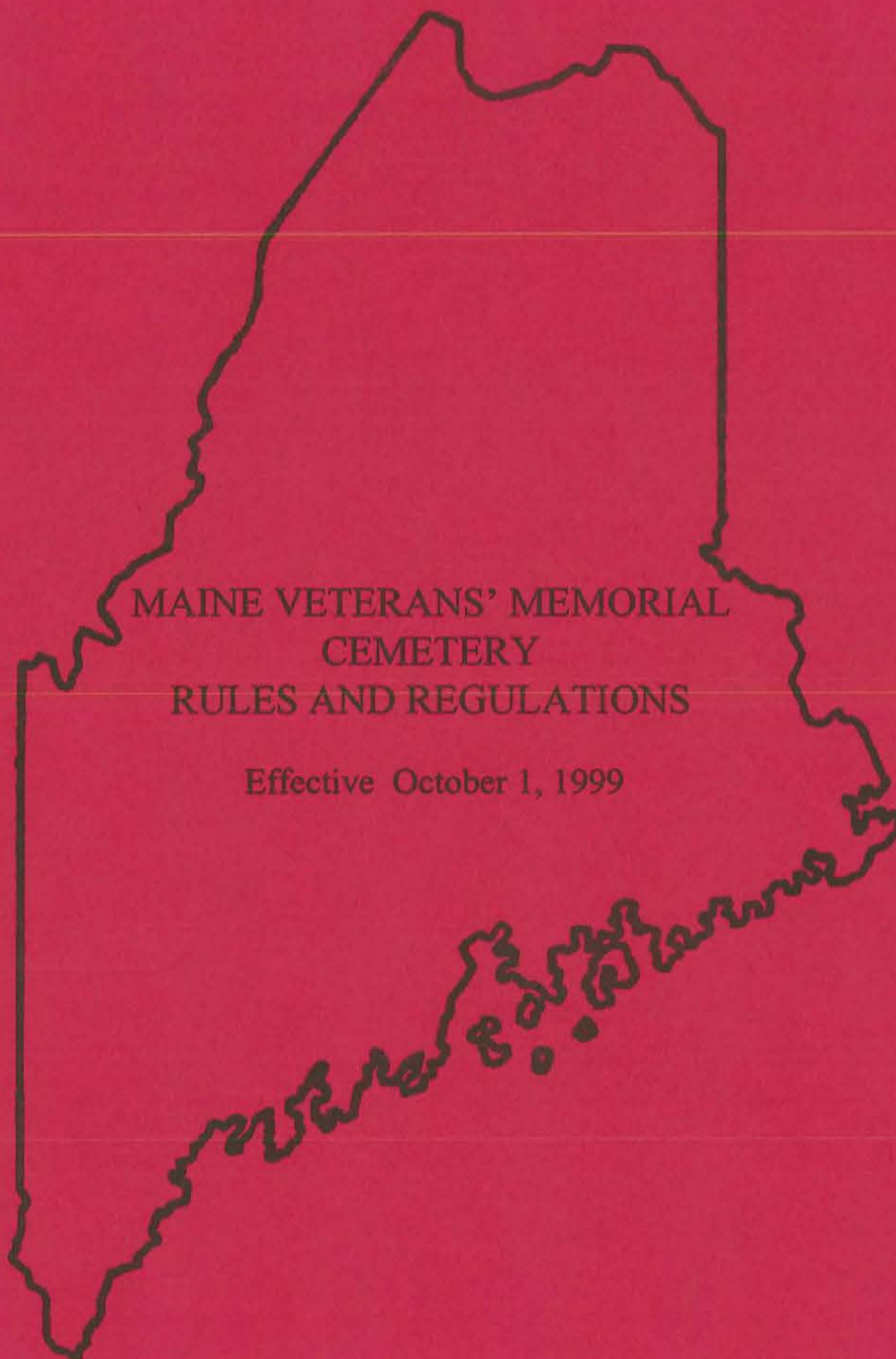
# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



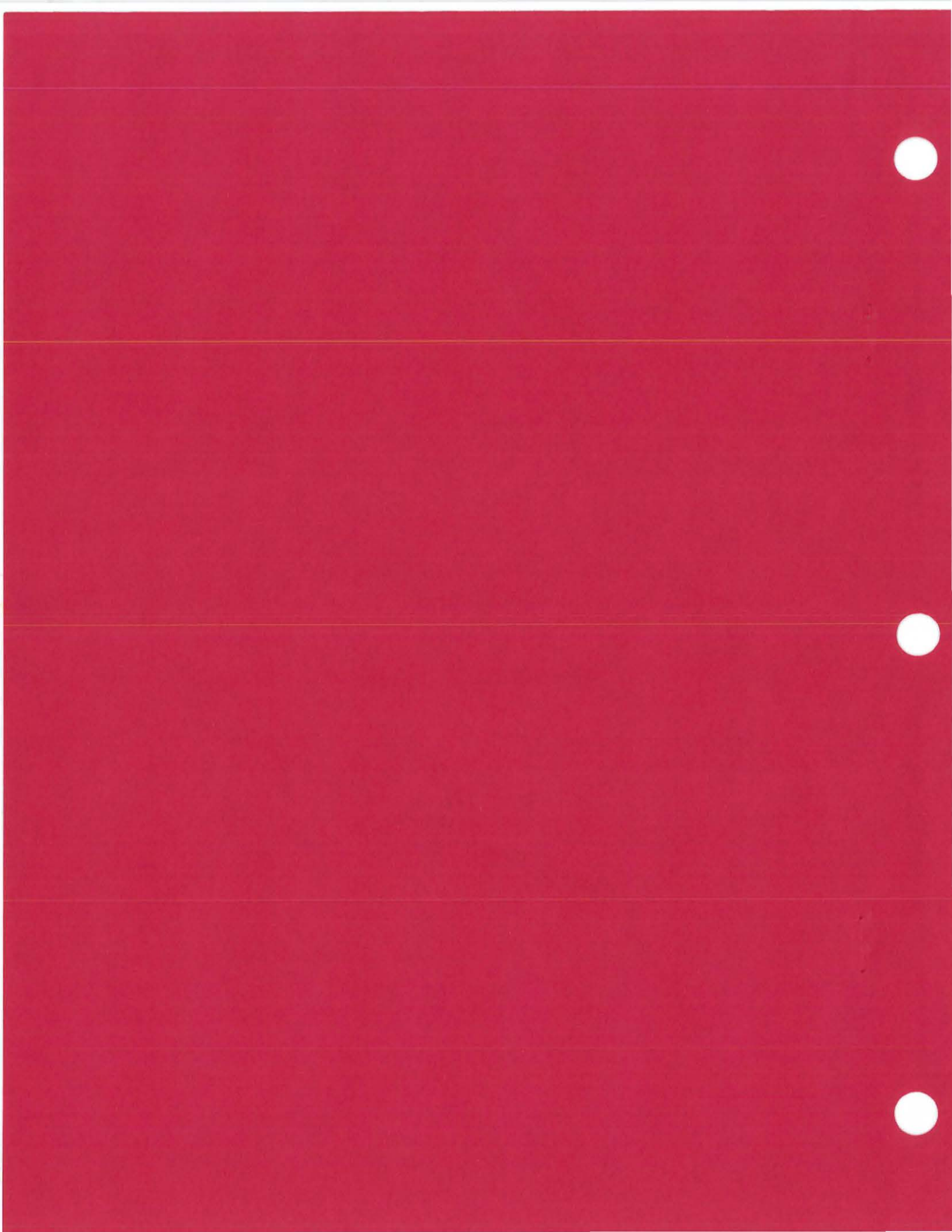
Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DEPARTMENT OF DEFENSE VETERANS AND  
EMERGENCY MANAGEMENT



MAINE VETERANS' MEMORIAL  
CEMETERY  
RULES AND REGULATIONS

Effective October 1, 1999



Department of Defense, Veterans and Emergency Management

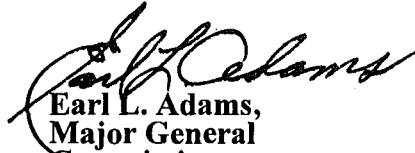
**MAINE VETERANS' MEMORIAL CEMETERY**

Augusta, Maine

---

**POLICY**

Effective October 1, 1999, the attached rules and regulations for the Maine Veterans' Memorial Cemetery are the official policies of this Department in administering the provisions of Chapter 7, Sec. 504 as amended, of Title 37B, M.R.S.A. The Superintendent of the Cemetery or his authorized representatives are required to enforce these regulations and to remove or exclude from the Cemetery any person violating these rules.



Earl L. Adams,  
Major General  
Commissioner  
Department of Defense & Veterans' and  
Emergency Management

---

**General:**

This Cemetery is a contemporary park of memorial design with all grave markers placed flush with the ground level. Landscaping, planting of trees, shrubs and floral plantings are part of the overall Cemetery decor and are not designed for any one grave. The Cemetery is a memorial established in honor of all veterans, hence individual flags or flag holders will not be placed on any grave. The flag of the United States in the Memorial Circle is in honor of all veterans buried in this Cemetery.

By law, the State of Maine holds title to all grave lots. The State will, without charge, open and close the grave and furnish perpetual care. Military rank or civilian stature will not be given consideration in selection or size of individual graves. Consequently, all graves will be equal in size and have a uniform type of flat granite grave marker. Selection of the lot will be made by the Superintendent in the order that burial requests occur. Eligible next of kin will be buried adjacent to the plot of the veteran buried in the cemetery.

**Supervision of Cemetery:**

Supervision of the Cemetery is vested in the Superintendent subject to the Director and the Commissioner.

### **Cemetery Responsibilities:**

The MVMC reserves the right to correct any errors that may be made in making interments or disinterments, or in setting grave markers. The MVMC also reserves the right to correct any errors in its official records of interments and graves.

### **SECTION I: ELIGIBILITY FOR BURIAL**

A. The burden of proof of eligibility rests on the applicant. The MVMC will determine the eligibility of a person for burial. It is highly recommended that eligibility be determined as soon as the veteran feels they would like to be buried at MVMC.

B. Veteran eligibility is defined as follows:

1. Those members who served in the active United States Armed Forces as defined below.
    - a) Regular Army, Air Force, Navy, Marine Corps and Coast Guard members on active duty; or
    - b) All persons appointed, enlisted, or inducted in the Army, Air Force, Navy, Marine Corps or Coast Guard without component; or
    - c) Army or Air National Guard of the United States and Army, Air Force, Navy, Marine Corps or Coast Guard members on active duty pursuant to 10 USC § 12301, 12302, 12303 or 14 USC § 712.
  2. Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on state active service (37-B MRSA § 101-A (1)).
  3. Members of the Reserve Components are eligible for burial if they served in the active United States Armed Forces or if they became eligible for retired pay under Title 10 USC chapter 1223 or would have been entitled to retired pay under chapter 1223 but for the fact that they were under 60 years of age.
    - a) Reserve Components of the United States Armed Forces consists of the Army National Guard, Air National Guard, Army Reserve, Air Force Reserve, Navy Reserve, Marine Corps Reserve, Coast Guard Reserve.
- In addition to the above eligibility criteria, the veteran must, if discharged from the armed services, have received an honorable discharge or general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty, unless the veteran's

discharge was a general discharged under honorable conditions before being upgraded through a program of general amnesty.

- Veterans of the United States Armed Forces honorably discharged, who either entered service while residents of Maine, or were residents of Maine at the time of their deaths, or at the time of death of an eligible dependent.
- Members of the United States Armed Forces who die in service and who had entered service while residents of Maine or were residents of Maine at the time of their deaths.
- Merchant Seaman who have a DD214.

C. Eligible dependents are defined as:

- a. Spouses of veterans or servicemembers who are eligible for burial under the foregoing provisions including a spouse that has remarried since veteran's death.
- b. Unmarried minor child, unmarried dependent child enrolled in secondary school (per law H.P. 764 L.D. 1031)
- c. Unmarried children of any age who became incapable of self support due to physical or mental illness before reaching age 18. (A statement from a doctor is required).

**SECTION II: OPERATING RULES OF THE MVMC**

- A. The Cemetery is open to the public seven days a week. Cemetery personnel are on duty Monday through Friday 7:30 a.m. until 4:00 p.m., except holidays.
- B. All visitors shall enter or leave the cemetery by the public gates. The back gate, the old Belgrade road is closed after normal duty hours.
- C. All persons within the Cemetery will conduct themselves in a manner in keeping with a hallowed place. Violators of this rule will be subject to removal from the grounds.
- D. Pets, bicycles, motorcycles and snowmobiles are prohibited off the road in the Cemetery.
- E. Visitors, except as a military escort, are prohibited from bringing firearms or explosives of any kind into the Cemetery. All hunting and fishing within the cemetery is prohibited.
- F. Consumption of alcoholic beverages at any time within the cemetery is prohibited.
- G. Disposal of trash or debris within the Cemetery is prohibited except in disposal containers furnished by the cemetery.

- H. Visitors shall use avenues, walkways, and roads for travel within the cemetery.
- I. Motor vehicles shall be driven at a speed no greater than 15 miles per hour and shall be kept to the right side of the roadways.
- J. Parking of motor vehicles shall be at the discretion and direction of the Superintendent. Parking will be only in areas designated.
- K. Motor vehicles shall not be driven or parked on the lawns, unless so directed. Drivers shall not make U turns on the roadways.
- L. Motor vehicles shall not be stopped or parked near an open grave while a burial is in process. Vehicles part of a funeral cortege and associated with a committal service will be granted an exception.
- M. Planting of trees, shrubs, or flowers by any person other than the Superintendent or his agents is prohibited.
- N. No structure of any type may be erected or placed in the cemetery by family members. Items not specifically permitted by regulation will not be left on graves or elsewhere in the cemetery. Prohibited structures or objects will be removed by the Superintendent or his agents.
- O. Cut natural flowers may be placed on a grave any time.
- P. Since artificial flowers fade and are not in keeping with the high standards for military cemeteries, artificial arrangements are **PROHIBITED** in the Cemetery.
- Q. Floral displays utilizing natural flowers may be displayed on a grave for a period of one week. Displays may also be displayed on the day of interment and to include one week thereafter. Wreaths and baskets made of both natural and artificial greens will be allowed between November 1 to April 1.
- R. Living plants in suitable containers may be displayed on a grave for a period of two weeks, one week prior to, and the week of Memorial Day. All living plants and arrangements must be removed by the last Sunday of May. Maine Veterans' Memorial Cemetery is not responsible for lost or damaged plants and/or arrangements.
- S. Inexpensive floral containers should be used when leaving flowers for the deceased. All containers will be removed by cemetery personnel at the expiration of permissible periods or when the flowers fade or wither. Containers will be disposed of by the Superintendent. The Cemetery will not be responsible for damage or loss of any containers. The Veterans' Memorial Cemetery Association has in-ground vases which can be purchased. The vases are permanently set in the ground. Contact the Superintendent for information on the inground vases.

- T. All visitors are forbidden from injuring trees, shrubs, plants, or lawns. The Cemetery may not be marked, defaced, or damaged in any way.
- U. All inquiries and complaints about the MVMC can be made to the Superintendent.
- V. Cemetery workers are prohibited from performing any work directly requested of them by visitors. No money shall be offered or paid by visitors to Cemetery workers for personal services.
- W. Memorial observances and ceremonies on the Cemetery grounds may be held by arrangement with Superintendent and approval of the Commissioner. Any unauthorized observances, ceremonies, meetings, parades, gatherings, or demonstrations are strictly prohibited on Cemetery grounds. Persons taking part in such unauthorized proceedings will be regarded as trespassers and shall be removed from the Cemetery. Any person or persons who disrupts or attempts to disrupt any committal ceremony or other authorized observance or ceremony shall be removed from the cemetery grounds and will be subject to legal prosecution. All unauthorized flags, banners, signs, placards, and pictures are prohibited from the Cemetery at all times.
- X. Fraternal and veterans organization emblems of non-corrosive metal and suitable for installation flush with the ground level may be installed as directed by the Superintendent. All markers must be installed flush with the ground.
- Y. Visitors or concessionaires shall not sell or offer for sale items on Cemetery grounds. No one may display or advertise for future sale any products while on the grounds of the Cemetery.
- Z. Miniature flags will not be placed on individual graves. The flag of the United States in the center of the Memorial Circle is flown in honor of all veterans buried at this cemetery.

### **SECTION III: BURIALS AND RESERVATIONS**

- A. Graveside committals are not authorized. The only type of service that is to be held at the Maine Veterans' Memorial Cemetery is a Committal service. Committals shall be held in the Father Leonard A. LeClair Memorial Chapel. Committals should not exceed 15 minutes. It is not permissible to hold a funeral service in the Cemetery.
- B. All burials in the Cemetery will be scheduled by the Superintendent or his agents. No burials will be scheduled on any State/ Federal holiday, Saturday or Sunday. Burials can be scheduled by calling (207) 626-4468 or 1-800-345-0116.



- C. All grave lay out and assignment will be done solely by the Superintendent or MVMC personnel.
- D. Grave plots containing caskets will be of uniform size. Grave plots containing cremated remains will be smaller, but of uniform size. Both sizes will be determined by the Superintendent.
- E. All burials of caskets will be in graves that have concrete vaults. These vaults must be provided by the funeral home. Only a concrete vault and/or liner with a one piece tongue and groove cover are acceptable. Flat, one piece, single piece, two piece, and three piece covers are unauthorized.
- F. All burials of cremains not in a permanent type container will be in graves that have concrete urn vaults. These vaults must be provided by the funeral home/vault companies.
- G. All graves shall have a granite marker which will be 24" long, 12" wide, and 4" thick. Markers will be furnished without charge to the State and will be located and installed by direction of the Superintendent. The funeral Director/next of kin is responsible for submitting the Stone Application to MVMC for final approval. Failure of next of kin to apply for a marker within 30 days of burial shall result in the Superintendent making the necessary application.
- H. The State will furnish a gravesite, open and close the grave, and furnish perpetual care of the gravesite without charge. All other charges in connection with any funeral or burial are the responsibility of the requester unless other arrangements are made.
- I. Plot reservations of gravesites shall not be made in advance of the burial of an eligible person. Burial of an eligible dependent shall be made prior to the burial of a veteran only when the veteran certifies that he will be buried in an adjacent grave. Reservations for burial of eligible dependents in adjacent graves shall be made at the time of the burial of the veteran.
- J. The eligible dependents of a veteran are the surviving spouse, unmarried minor child, or child who became incapacitated of self-support before reaching the age of 18 because of mental or physical illness. (A statement from a doctor is required.)
- K. Any person may request a determination of eligibility to be made by the Director of Maine Veterans' Services or by the Superintendent of Maine Veterans' Memorial Cemetery. A statement of certification will be given to qualified applicants.
- L. Maine law requires that all grave markers be of flat granite, similar to that furnished by the federal government. Standard inscriptions authorized by the VA are the only markings to be used in the MVMC.

- M. A marker may be placed in the Garden of Remembrance for veterans eligible for burial in the MVMC but were buried at sea, are missing in action and declared dead, or whose bodies and cremains are inaccessible for other reasons military. The previous cremation and ash spreading are not grounds for using the Garden of Remembrance.
- N. It is the responsibility of the Funeral Director to arrange for pallbearers for each committal service. The **CEMETERY DOES NOT PROVIDE PALLBEARERS.**
- O. Families experiencing significant hardship due to the cemetery operating hours or periods may request an exception to policy. The burial will be scheduled at the convenience of the family and the cemetery. All requests for exception shall be submitted to the Director, Maine Veterans' Services at: 626-4464.

#### **SECTION IV: DISINTERMENT**

- A. Disinterment within the MVMC – Disinterment of a body that is buried within the MVMC for further reinterment in the MVMC, requires a disinterment fee for the opening and closing of the grave as required by 37B sec.504.
- B. Disinterment within a private cemetery – Any person desiring to have the remains of a person disinterred from a private cemetery for burial in the MVMC shall present to the Superintendent a legal permit through a Funeral Director. The requester shall be responsible for all disinterment charges.