

## **125th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2011

**Legislative Document** 

No. 286

H.P. 230

House of Representatives, February 3, 2011

An Act To Allow Oak Grove Cemetery To Operate a Crematorium on a Parcel of Land Less than 20 Acres

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

Heath & Pruit

HEATHER J.R. PRIEST Clerk

Presented by Representative HANLEY of Gardiner. Cosponsored by Senator McCORMICK of Kennebec.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** the City of Gardiner adopted an ordinance limiting the location of 4 crematoriums to areas zoned as industrial, commercial or rural; and
- 5 **Whereas,** Oak Grove Cemetery in Gardiner and other local cemeteries in the greater 6 Gardiner area are nearing capacity for burials; and
- 7 **Whereas,** the demand for cremation is increasing significantly as a result of 8 increases in the costs of traditional funerals and burials; and
- 9 Whereas, there is a need for additional crematoriums in the central Maine area to 10 meet current demand; and
- Whereas, cremation is a more environmentally acceptable practice than traditional
  burials; and
- Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,
- 17 Be it enacted by the People of the State of Maine as follows:
- **Sec. 1. Construction of crematorium.** Notwithstanding the Maine Revised Statutes, Title 13, section 1341, subsection 1 and any other provision of law, Oak Grove Cemetery, located in Gardiner, Maine, may construct, own and operate a crematorium on land owned by Oak Grove Cemetery located in an area zoned for industrial or commercial use or zoned as rural in the greater Gardiner area.
- Sec. 2. Conditions. The land on which the crematorium under section 1 is constructed may be less than 20 acres, but not less than 3 acres. The site on which the crematorium is constructed does not need to be part of the existing Oak Grove Cemetery, but must be owned by the Oak Grove Cemetery or the City of Gardiner.
- Emergency clause. In view of the emergency cited in the preamble, this
  legislation takes effect when approved.
- 29 SUMMARY
- This bill authorizes Oak Grove Cemetery to construct a crematorium on land that it owns or is owned by the City of Gardiner and that is in an area zoned for industrial or commercial use or zoned as rural in the greater Gardiner area.
- Current law allows crematoriums only in cemeteries with 20 or more acres of land.
  This bill provides that the land on which the crematorium is constructed may be less than
  20 acres, but not less than 3 acres.