

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 230 - L.D. 286

**An Act To Allow the Operation of Crematoriums at Oak Grove Cemetery
and the Kelley Family Cemetery**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the City of Gardiner adopted an ordinance limiting the location of crematoriums to areas zoned as industrial, commercial or rural; and

Whereas, Oak Grove Cemetery in Gardiner and other local cemeteries in the greater Gardiner area are nearing capacity for burials; and

Whereas, the demand for cremation is increasing significantly as a result of increases in the costs of traditional funerals and burials; and

Whereas, there is a need for additional crematoriums in the central and eastern Maine areas to 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,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Construction of crematoriums. Notwithstanding the Maine Revised Statutes, Title 13, section 1341, subsection 1 and any other provision of law:

1. Oak Grove Cemetery. 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; and

2. Kelley Family Cemetery. A Maine nonprofit corporation may construct, own and operate or lease for operation a crematorium on land of the Kelley Family Cemetery located in Steuben, Maine and owned by Dreamkeepers, Inc., as long as the cemetery has been used as a cemetery for at least 2 years prior to construction of the crematorium and contains at least 20 acres during any period when the crematorium will be built and operated and the crematorium meets other requirements of law.

Sec. 2. Conditions. The land on which the crematorium under section 1, subsection 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.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor