



“How Perpetual Care Works”

What is “Perpetual Care”?

Perpetual care is a fund that a corporation with a cemetery is required to establish (based on Maine law and Diocesan policy). This cemetery perpetual care fund must be created by depositing in the fund 50% of the proceeds received from the sale of burial rights in the cemetery. (Burial rights were formerly known as “lot sales”). The income earned from the assets of the cemetery perpetual care fund must be devoted to maintenance of the cemetery.

Note: The State Statute requires at least 30% of the sale be deposited. The Diocesan policy is 50% of the Sale of Burial Rights.

What does this mean for my parish cemetery?

This means that when burial rights are sold for a lot in your parish cemetery, the parish must deposit 50% the proceeds from this sale into either (1) a Diocesan Savings & Loan savings account or (2) a Diocesan Investment Pool investment account. Deposits to a Perpetual Care Account can never be withdrawn only interest or investment earnings can be withdrawn for cemetery maintenance.

What is the Maine Statute that governs Perpetual Care?

MRSA Title 13 §1306. Cemetery Perpetual Care Fund

A person, corporation or any other private entity that controls a cemetery shall establish a cemetery perpetual care fund. This fund is separate from any permanent care and improvement fund for a community mausoleum on a cemetery's premises established under section 1348. The income from the cemetery perpetual care fund must be devoted to maintenance of the cemetery. This cemetery perpetual care fund must be created by depositing in the fund at least 30% of the proceeds received, in full and in installments, from the sale of lots and plots in the cemetery. This section does not apply to a family burying ground as described in section 1142. The sale of a cemetery lot or plot that is subject to a contract for the perpetual care of the lot or plot or for general cemetery maintenance is exempt from this section, as long as the contract requires that at least 30% of the proceeds from the sale of the lot or plot be set aside with the income from those funds to be used for cemetery maintenance. [1997, c. 140, §1 (NEW).]

What is the Diocesan Policy for Perpetual Care?

Cemetery Rules & Regulations of the Diocese of Portland State of Maine

Article XIX Perpetual 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.

What is the Parish Policy for Perpetual Care ?

Rules & Regulations of Parish of the Precious Blood Cemeteries of the Diocese of Portland, State of Maine

Article XXVII Parish of the Precious Blood Rules & Regulations

27-E Perpetual Care

Parish of the Precious Blood will insure all care of graves and monuments is within the compliance of Article XIX of this document and will also impose the following guidelines;

- _ No certificate of right of burial is issued unless accompanied by the payment of a perpetual care fee, except in the case of indigent persons (poverty stricken, poor enough to need help from others).
- _ Perpetual care funds may not be expended by the parish or Cemetery Committee for any purpose. Those funds are invested; the income accruing as interest from these investments can be used for specified care of the cemeteries.
- _ Use of perpetual care income includes and is limited to the 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.
- _ In the past, the Cemetery sometimes accepted the option of an annual care fee in lieu of a perpetual care fee. While arrangements made in the past will continue to be honored, this option will not be provided in the future to those who seek to purchase a right of burial.

So what does this mean in terms of dollars for the cemetery fund?

When Burial rights are sold the following occurs to the monies.

- 1) \$500.00 is collected for the Burial Rights and deposited into the Cemetery checking account.
- 2) Our Restricted Fund Liability which is for Perpetual Care is increased in value by ½ of the burial rights value. So the Perpetual Care restricted Asset increases by \$250.00, this is a liability to the Cemetery.
- 3) Our Perpetual Care Savings or Investment account must equal to or exceed the Restricted fund so to insure this happens ½ of the burial rights always gets deposited in one of these accounts. We deposit \$250.00 into the investment account because the return is higher than in regular savings.
- 4) Current average returns are 4% annually in dividends for the investment accounts and only 1.5 % returns on standard savings.
- 5) Now of this \$250.00 deposited the money is now restricted and cannot be used. The only thing Perpetual Care allows us to use is the returns on the dividends or interest from this money.
- 6) So over a period of a year we will be seeing an income of \$10.00 per burial rights holder for lawn care and other maintenance in the cemetery as specified in the earlier Cemetery rules and policies.

Does every one buried in our Cemeteries have Perpetual Care?

No. Prior to perpetual care being established many of the older burial rights holders paid annual care fees, which was to support the maintenance costs. After these rights holders passed many of the extended family members did not feel a need to support this so annual care payments went away. We have many sites with deceased members buried in our cemeteries that do not in any form generate any monies to support annual maintenance and care costs.

How do we resolve this and support our Cemetery Annual Care Costs?

We must continually educate ourselves and our fellow parishioners on this cost and the need for increased donations to the Perpetual Care Fund. We ask if you have a family member buried in our cemeteries give us a call and discuss with us the option of a onetime donation that will be used to increase the Perpetual Care Asset to help generate more monies for Annual Care. If you just wish to support our Parish cemeteries by donating to Perpetual Care call us at 207-498-2536 and ask for our Business Coordinator.