

# TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

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## CHAPTER 85-110 PUBLIC CEMETERY REGULATIONS

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Chapter Authority: 1 CMC § 2654; 3 CMC § 2624; 1 CMC §§ 9101-9115

Chapter History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified in part at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the “Public Lands and Natural Resources Administration Act of 1997,” PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651-2691. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651-2691, and statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto.

PL 11-117 (Jan. 25, 2000) closed the former Wireless Hill Public Cemetery and established a new public cemetery in Saipan. The act transferred the land for the cemetery from the Division of Public Lands to the Department of Lands and Natural Resources. Section 6 of the act, codified at 3 CMC § 2624, provides that the Department of Public Health shall administer and manage the cemetery, but the Department of Lands and Natural Resources “shall have general supervision of the Marpi Public Cemetery over ground maintenance, coordination of burial activities, and further improvements to the Marpi Public Cemetery as may be required by law.” *Id.* at (b).

### **Part 001 -      General Provisions**

#### **§ 85-110-001 Purpose**

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The purpose of this chapter is to establish rules for the public cemeteries in the Commonwealth. It is the goal of the Department of Lands and Natural Resources to maintain the Commonwealth's public cemeteries to ensure a quiet and beautiful resting place for the deceased and to provide for their proper burial.

History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).

### § 85-110-005 Definitions

As used in this rule unless otherwise provided:

- (a) "Cemetery" means a public cemetery in the Commonwealth.
- (b) "Commonwealth" means the Commonwealth of the Northern Mariana Islands.
- (c) "Department" means the Department of Lands and Natural Resources.
- (d) "Grave" means the space of ground in the cemetery used, or intended to be used, for burial of human remains.
- (e) "Interment" means the disposition of human remains by burial or inurnment.
- (f) "Liner" means a grave liner or vault.
- (g) "Secretary" means the Secretary of Lands and Natural Resources or his or her designee.
- (h) "Space" means area in the cemetery used, or intended to be used, for interment or inurnment of human remains.

History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).

### § 85-110-010 Authority

- (a) The Secretary shall be authorized to enforce the regulations in this chapter and may delegate his or her duties to enforce the regulations.

History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).

Commission Comment: Subsection (a) was designated in the original regulation. No additional subsections were designated.

## Part 100 - Maintenance Standards

### § 85-110-101 Departmental Obligations

- (a) The Department shall ensure that the grounds are kept in a condition so as to

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prevent the cemetery's offensive deterioration, and shall ensure that maintenance activities to\* not interfere with burial services.

(b) At a minimum, the Department shall provide the following maintenance at the cemetery:

- (1) Trim or mow grass and prune shrubs and trees in and around the cemetery. Grass shall be trimmed or mowed to a level where flat markers of individual graves can be seen.
- (2) Suppress or remove weeds on the developed cemetery property.
- (3) Repair or restore improvements, structures, and fences on the property which are owned by the cemetery.
- (4) Keep cemetery roads accessible.
- (5) Keep all occupied crypts and niches properly sealed or closed.
- (6) Repair any grave marker that is damaged by the negligence of the cemetery or its employees or contractors.
- (7) Supply and empty trash receptacles when filled, and keep public areas of the cemetery grounds and water features clear of trash and debris.
- (8) Control vermin and insect problems.

\* So in original.

History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).

Commission Comment: This section was untitled in the original regulation. The Commission created the title for the section. The Commission inserted a comma after the word "structures" in subsection (b)(3) pursuant to 1 CMC § 3806(g).

### **§ 85-110-105 Floral and Decorative Objects**

(a) The following items are prohibited and may not be placed on graves, or otherwise left in the cemetery:

- (1) Potted plants;
- (2) Permanent plantings;
- (3) Artificial flowers or plants;
- (4) Vigil lights;
- (5) Commemorative items;
- (6) Toys; and
- (7) Glass containers or objects.

(b) Cut natural flowers, wreaths, and sprays in containers may be placed on, but not attached to, graves. Department personnel shall remove faded or withered floral displays.

(c) Candles are permitted for ceremonial purposes; however, the candles must be extinguished and removed from the cemetery at the end of the ceremony.

History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).

### **Part 200 - Burials**

**§ 85-110-201 Map of Burial Plots; Register**

- (a) The Department shall survey the cemetery and develop a master map of the burial plots and number each burial plot.
- (b) The master map shall be used to assign burial plots.
  - (1) To obtain a burial plot, the requesting party shall fill out a burial plot assignment application and submit it, along with the interment fee, to the Department. The requesting party shall also submit a copy of the decedent's death certificate and a copy of his or her burial permit obtained from the Department of Public Health.
- (c) The Department shall also maintain a register for the assignment of burial plots. The register shall contain the name, date of birth, date of death, date of burial, and burial plot number of the person interred at the cemetery.

History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).

**§ 85-110-205 Interment Fees**

[Reserved]

**§ 85-110-210 Burials**

- (a) Burials at the cemetery shall be administered and managed by the Department.
- (b) The Department shall be responsible for providing uniform grave markers; opening and closing the crypts, and lowering the body; assigning burial plots.
- (c) All expenses incurred by the survivors or representative for the funeral services and supplies provided by a funeral director of their choice and transportation shall be the responsibility of the survivors or representative.
- (d) Graves shall be temporarily marked using a temporary grave marker until the Department provides the permanent marker for each grave.
- (e) All graves shall have a liner.

History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).

**§ 85-110-215 Disinterment**

- (a) Interment of eligible decedents shall be considered to be permanent and final.
- (b) Disinterment and removal of remains shall be permitted only with the prior approval of the Secretary and the Department of Public Health.

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(c) All arrangements and all expenses in connection with a disinterment shall be the responsibility of the requesting individual or agency. These arrangements shall include compliance with Commonwealth health laws or rules, engagement of a funeral director to accomplish the disinterment, necessary re-casketing of the remains, rehabilitation of the old grave, and compliance with any special instruction of the Secretary.

(d) The Secretary or a designated cemetery official shall supervise disinterments at the gravesite.

(1) Special care and concern shall be shown for adjacent graves and markers.

(2) Department personnel shall reopen the grave down to one foot above the top of the grave liner or vault.

(e) When a disinterment has been completed, the open grave shall be reused at the earliest practical date.

History: Adopted 35 Com. Reg. 33793 (July 28, 2013); Proposed 35 Com. Reg. 33522 (May 28, 2013).