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825 MAIN STREET,
SUITE 3

WESTBROOK,
MAINE 04092

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Can You be Buried with Your Pet in Maine?

March 13, 2017





I recently read an article on Legacy.com entitled *Can You Bury Your Pet with You after You Die?*, which inspired me to find out whether or not this could be done in Maine. As it turns out, Maine has no specific law prohibiting it; however, individual municipalities may have their own ordinances or regulations on the subject.

Where not legally prohibited, it comes down to the policies or discretion of the individual cemetery. The only cemetery I am aware of in Maine that specifically allows pet/human burials is *Cedar Brook Burial Ground*, a green cemetery in Limington.

In greater Portland, most cemeteries don't appear to have specific policies in place around burying animal remains with human remains. Informal conversations with representatives of public cemeteries in a couple of municipalities

have indicated that animal remains or cremains might be allowed to be buried with a person in the case of a pet and owner who died together or a predeceased cremated pet. However, some cemeteries don't exactly approve of this, and it's more of a don't ask, don't tell policy. In fact, the practice of secretly adding pet remains to human coffins may be **more common** than many people realize.

In the case of a surviving pet, a cemetery would most likely not allow a person to be disinterred in order to add the remains of a pet who passed away at a later date, and I don't know of any in greater Portland that allow for a pet to be buried in its own plot. For those situations, it might be best to investigate whether the cemetery would allow the scattering of pet ashes on the owner's grave.

Here Lies Tiddy?

Although dogs may not be allowed their own burial plots or markers in Portland's Evergreen Cemetery today, it appears that over one hundred years ago, one dog got just that. On the Lash family lot, directly next to the grave of

James W. Lash of Gardiner, is a footstone for the family dog, Tiddy, with a 1903 death date. A dog sculpture is also present on Tiddy's plot.

According to a docent from Friends of Evergreen Cemetery, there has been much speculation over whether or not Tiddy is actually buried there. The probate records (available through Ancestry.com) of James's wife, Cynthia Lash, who passed away in 1911, may provide a clue. A family member, F.W. Lash, made a claim on Cynthia's estate for \$644.50, including twenty-five dollars for buying a vault and shipping it to Gardiner for Tiddy, packing it and expenses, and moving it eighteen miles to inter it in September of 1903. This would seem to suggest that Tiddy was not actually buried in Portland, which is closer to forty-eight miles from Gardiner.



Further Reading:

[*Can You Bury Your Pet With You After You Die?*](#)

(Legacy.com)

[*Can You Be Buried With Your Pet?*](#) (Elder Law

Answers)

[*Whole-Family Cemetery Directory - USA*](#) (Green

Pet-Burial Society)

[*How to Spend Forever with Your Pet*](#) (care2)

[*James W. Lash*](#) (findagrave.com)

[Ancestry.com](#)

Special thanks to [Friends of Evergreen](#) for
providing me with information about Tiddy

In Burial and Funeral Tags burial, Maine, pet
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Lessons to be Learned from the Case of the Dixfield Cats

May 16, 2016

The case of the Dixfield cats (currently totaling 23) and their "inheritance" that is currently ongoing right here in Maine is a fascinating one that highlights the importance of careful wording when planning for animals. Eric Russell recently published an article on the case entitled *Dixfield Cats and Caretakers at Center of Inheritance Maelstrom* in the *Portland Press Herald*.

Barbara Thorpe passed away in 2002 leaving approximately \$150,000 "to my personal representative to use all proceeds for the creation of a corporation or trust ... for the

purpose of providing shelter, food and health care for abandoned and unwanted cats in the Town of Dixfield.” Prior to her death, Thorpe had been contributing to the efforts of some local women to care for the town's stray cats. Based on her actions during life, it seems pretty clear that Thorpe intended the money to continue to further these efforts; however, the wording of her will was less than clear on that point. There was no indication of who should receive the money to care for the cats or how it should be distributed. Much was left to the discretion of the personal representative, who thus far has distributed approximately \$13,000 to the cats' caretakers, but is allegedly refusing to distribute any more funds.

So how can sad situations like this one be prevented? Although the article correctly points out that if Thorpe had passed away after Maine changed its law to allow for the creation of "pet trusts" (18-B MRSA §408), she could have created a trust naming the cats as beneficiaries, there is a problem with that approach: in Maine, trusts for the care of animals can only be created for animals alive during the lifetime of the person creating the trust, and they must

terminate upon the death of the last surviving animal. Therefore, any stray cats born after Thorpe passed away (the article mentions a kitten) could not be trust beneficiaries, and the trust may even have terminated by now (14 years later).

A better approach that would have been valid even prior to Maine's pet trust law coming into effect would be to create a trust in which the cats' human caretakers were the beneficiaries. Using this method, the trustee could have been required to make distributions to the caretakers to pay for the cats' expenses on the condition that the cats were receiving proper care, funds could have been used to care for new cats, and the trust could continue for a much longer period of time, which is probably what Thorpe intended.

I will be following this case and look forward to seeing how it unfolds.

Source:

<http://www.pressherald.com/2016/05/15/the-...>

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Photos of Meghan by the multi-talented Amy K. Olfene, Esq. Other photos by Meghan L. Myers.

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