

SENATE BILL 50

C2

7lr0493

(PRE-FILED)

By: **Senator Astle**

Requested: August 5, 2016

Introduced and read first time: January 11, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Cemeteries – Authority to Maintain and Repair Memorials and Monuments**

3 FOR the purpose of establishing that, except as provided by certain provisions of law, the
4 owner of a burial lot is responsible for the maintenance and repair of certain
5 memorials and monuments; authorizing a responsible party for a cemetery to
6 maintain or repair a memorial or monument if certain notice is given and a certain
7 person fails to object; requiring a notice under this Act to include certain information,
8 be sent to a certain address, and be published a certain number of times in a certain
9 newspaper; authorizing a certain responsible party to use certain money to carry out
10 certain notice requirements and certain maintenance and repairs; prohibiting a
11 certain responsible party from performing certain maintenance and repair under
12 certain circumstances; providing for the application of this Act; and generally
13 relating to cemeteries and the maintenance and repair of memorials and
14 monuments.

15 BY adding to
16 Article – Business Regulation
17 Section 5–503(e) and 5–804
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2016 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Business Regulation
22 Section 5–603(e)
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2016 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Business Regulation

5–503.

(E) EXCEPT AS PROVIDED IN § 5–804 OF THIS TITLE, THE OWNER OF A BURIAL LOT IS RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF A MEMORIAL OR MONUMENT PLACED ON THE BURIAL LOT.

5–603.

(e) The income from the perpetual care trust fund:

(1) shall be used only for the perpetual care of the cemetery, including:

(i) the maintenance, including the cutting of grass abutting memorials or monuments, administration, supervision, and embellishment of the cemetery and its grounds, roads, and paths; and

(ii) the repair and renewal of buildings, including columbaria and mausoleums, and the property of the cemetery; and

(2) **EXCEPT AS PROVIDED IN § 5–804 OF THIS TITLE**, may not be used to care for memorials or monuments.

5–804.

(A) THIS SECTION APPLIES TO A CEMETERY THAT IS:

(1) A PERPETUAL CARE CEMETERY; OR

(2) NOT A PERPETUAL CARE CEMETERY.

(B) (1) THE RESPONSIBLE PARTY FOR A CEMETERY MAY MAINTAIN OR REPAIR A MEMORIAL OR MONUMENT IF NOTICE OF THE INTENDED MAINTENANCE OR REPAIR IS GIVEN TO THE OWNER OF THE BURIAL LOT ON WHICH THE MEMORIAL OR MONUMENT IS PLACED IN ACCORDANCE WITH THIS SUBSECTION AND THE OWNER OR A RELATIVE OF THE OWNER FAILS TO OBJECT TO THE MAINTENANCE OR REPAIR.

(2) THE NOTICE SHALL BE:

(I) SENT BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE OWNER OF THE BURIAL LOT ON WHICH THE MEMORIAL OR MONUMENT IS PLACED; AND

1 **(II) PUBLISHED ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN A**
2 **NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE CEMETERY**
3 **IS LOCATED.**

4 **(3) THE NOTICE SHALL INCLUDE:**

5 **(I) THE NAME OF THE OWNER OF THE BURIAL LOT ON WHICH**
6 **THE MEMORIAL OR MONUMENT IS PLACED;**

7 **(II) THE NAME OF THE CEMETERY IN WHICH THE BURIAL LOT IS**
8 **LOCATED;**

9 **(III) THE NATURE OF THE MAINTENANCE OR REPAIR THAT IS**
10 **NEEDED;**

11 **(IV) CONTACT INFORMATION FOR THE RESPONSIBLE PARTY FOR**
12 **THE CEMETERY; AND**

13 **(V) A STATEMENT THAT THE MAINTENANCE OR REPAIR OF THE**
14 **MEMORIAL OR MONUMENT WILL BE CONDUCTED WITHOUT THE CONSENT OF THE**
15 **OWNER IF THE OWNER OR A RELATIVE OF THE OWNER DOES NOT OBJECT WITHIN 30**
16 **DAYS AFTER THE DATE OF THE FINAL PUBLICATION OF THE NOTICE IN ACCORDANCE**
17 **WITH PARAGRAPH (2)(II) OF THIS SUBSECTION.**

18 **(C) TO CARRY OUT THE NOTICE REQUIREMENTS OF THIS SECTION AND THE**
19 **SUBSEQUENT MAINTENANCE AND REPAIR AUTHORIZED UNDER THIS SECTION, A**
20 **RESPONSIBLE PARTY FOR A CEMETERY MAY USE MONEY FROM:**

21 **(1) A PERPETUAL CARE TRUST FUND; AND**

22 **(2) ANY OTHER MONEY USED BY THE CEMETERY FOR MAINTENANCE**
23 **OR REPAIR OF THE CEMETERY, INCLUDING MAINTENANCE OR REPAIR OF THE**
24 **GROUND, ROADS, PATHS, BUILDINGS, AND PROPERTY OF THE CEMETERY.**

25 **(D) IF THE OWNER OR A RELATIVE OF THE OWNER OF A BURIAL LOT ON**
26 **WHICH A MEMORIAL OR MONUMENT IS PLACED OBJECTS TO THE MAINTENANCE OR**
27 **REPAIR IDENTIFIED IN A NOTICE MADE UNDER THIS SECTION, THE RESPONSIBLE**
28 **PARTY FOR THE CEMETERY MAY NOT PERFORM THE MAINTENANCE OR REPAIR.**

29 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
30 **October 1, 2017.**