

SB 224_MDL_Support.docx.pdf

Uploaded by: Andrew Fulginiti

Position: FAV

Letter of Support

SB 224 - Cemeteries - Burial-Transit Permits - Required Information

SB 224 seeks to help families locate the cremated remains of their ancestors and loved ones by allowing for additional details regarding the final disposition of the cremated human remains to be added to the burial transit permit.

Currently, an ancestor's burial location is listed on the death certificate, typically identifying the cemetery the loved one is buried in. However, if the loved one was cremated, the final disposition listed on their death certificate is most likely the name of the crematory, which, in most instances, is not where the remains are placed.

SB 224 would require that a cemetery operator ensure the burial transit permit contains pertinent information which currently are not required, to include who received the cremated remains and their relationship to the cremated individual.

Having these details would dramatically increase the accuracy of these records and provide family members with the additional information necessary to assist them when locating their loved one's final resting place.

For the above reasons, the Department respectfully requests a **favorable report** by the Committee on SB 224.

OCO- Burial Transit Permits Testimony.pdf

Uploaded by: John Dove

Position: FAV

To: Senate Finance Committee
**From: John Dove, Commissioner, Division of Occupational and Professional Licensing,
Maryland Department of Labor**
Re: SB0224- Cemeteries - Burial-Transit Permits

Introduction:

Good afternoon, for the record my name is John Dove, Commissioner of the Office of Occupational and Professional Licensing, at the Maryland Department of Labor. I would like to thank Chair Beidle and all the Finance Committee Members for allowing me to introduce SB 224, entitled Cemeteries - Burial-Transit Permits, and explain why the passing of this Bill would benefit all Maryland Citizens.

Testimony:

This bill would make it easier for family members to locate the final disposition of cremated loved ones. Currently, an ancestor's burial location is listed on the death certificate, typically identifying the cemetery the loved one is buried in. However, if the loved one was cremated, the final disposition listed on their death certificate is most likely the name of the crematory, which in most cases, is not where the remains are placed. This bill will add an explanation on all death certificates, listing final dispositions of cremated human remains by stating who received the remains and their relationship to the cremated person. This would provide family members the additional information necessary to assist them with locating a loved one's remains.

It is a small change, but an enormous help to a descendant having the heartbreaking experience of looking for an ancestor's final resting place. Passing SB 224 could prevent or ease some of that heartbreak and give these families peace.

Thank you for your time, and we ask this committee for a favorable report.

Sincerely,



John C. Dove

cc: Sarah J. McDermott, Assistant Commissioner
Deborah Rappazzo, Executive Director

RBS SB 224 Testimony January 2024 Cemeteries, Buri

Uploaded by: candy warden

Position: FWA

Candy Warden, President
Rosa Bonheur Society, Inc.
10240 Harvest Fields Drive
Woodstock, MD 22163
January 23, 2024

SB 224 Testimony: FAVORABLE WITH AMENDMENTS

Chair: Pamela G. Beidle and Members of the Senate Finance Committee,

My name is Candy Warden. I am President of the Rosa Bonheur Society, a volunteer, nonprofit group formed to protect the Rosa Bonheur Memorial Park, a Maryland human and pet cemetery.

Human remains interred in a cemetery must at all times be treated with honor, dignity, and respect. Your constituents who inter pet remains in a cemetery strongly believe that their remains must also be treated with respect. Cemetery legislation is critical to protect all Maryland graves sites.

Constituents in every jurisdiction are aghast at what happened at one cemetery, which LAST MONTH suffered catastrophic removal of human remains, and pet remains, from sites owned by deed holders who invested in perpetual care. A backhoe dug up graves! Removed markers! Where are the remains!

SB 224 provides for a burial-transit permit if the remains are “REMOVED FROM THIS STATE”. Please amend SB 224 to remove “from this State” from Section 4-215(b)(1). If this amendment is not added there is NO permit needed for removing and transporting remains INSIDE the State.

SB 224 as worded does not prevent the desecration by relocating WITHIN THE CEMETERY. Please amend SB 224 to remove the word “NOT” from “A permit for disinterment and reinterment is required before the disinterment of human remains if reinterment is not to be made in the same cemetery” from Section 4-215(e)(1). The Rosa Bonheur Memorial Park suffered desecration through disinterment, removal, and relocation of remains WITHIN THE SAME CEMETERY without proper safeguards as honorably and respectfully required.

Please also remove and replace the second sentence of Section 4-215(e)(1) to reassign the issuer of the permit from the Secretary of Health and to the Office of Cemetery Oversight, which is Maryland’s designated agency for cemetery oversight. The Office of Cemetery Oversight and its

Advisory Council is the Maryland Agency with assigned duties in connection with honorable and respectful cemetery administration.

The rights of Constituents in Maryland are currently imperiled due to statutory loopholes. Between December 12-19, 2023 the Rosa Bonheur Memorial Park was desecrated when human remains were exhumed and possibly relocated without the permission and/or knowledge of the families of loved ones. The desecration was performed without benefit of a professional funeral service company. Furthermore, the location and/or disposition of the remains are unknown. If a burial-transmit permit were required for any relocation of remains families would know where their loved ones are.

Please amend Section 4-215(e)(2) to add “if applicant submits a notarized affidavit in an approved form that applicant has complied with all regulations of the Office of Cemetery Oversight for disinterment and reinterment.

Please amend section 40215(b)(1) to replace “72 hours” with “a reasonable time as established by the Office of Cemetery Oversight”.

Also, the Department of Health should not be the best record keeper rather the Office of Cemetery Oversight’s purview is cemeteries and therefore the authority should be under their aegis.

The Office of Cemetery Oversight is the agency tasked with inspections. Additional inspection staffing to apprehend those responsible for cemetery damage could be funded by additional provisions authorizing the Office of Cemetery Oversight through its Assistant Attorney General to bring action against violators and that collections would be deposited into a special fund for the Office of Cemetery Oversight.

2. Section

(e)(1) A permit should be required for disinterment and reinterment when remains are being relocated in all circumstances.

At the Rosa Bonheur Memorial Park human and pet graves were desecrated with human burials being exhumed and relocated without the direction of a funeral services professional. The pet graves were also wantonly destroyed that surrounded the human graves. The families effected objected to the disinterment and relocation of their human loved ones and notified funeral services companies that sought to carry out these desecrations. The funeral services companies declined to exhume and relocate after finding out families did not want their loved ones desecrated.

Burial-Transfer Permits hold the potential for identifying the owner of the cemetery, the person that represented themselves as being the owner of the cemetery, and if not the owner of the cemetery the person responsible for the disinterment and the documentation of the disinterment.

The families that suffered disinterment(s) have also never been informed of the location of their loved ones' remains by the desecrator(s). Are the human remains still extant? Have they been dumped in a mass grave somewhere? Have they been thrown away? Only the desecrator(s) know the answers to these questions. Although families paid significant amounts of money for plots, caskets, vaults, memorial markers, and other services for human and pet burials and received deeds for their plots they have been victimized by their loved ones being violated.

The removal and reinterment of remains be they human and/or pet needs to be a permitted process with penalties for those who choose to ignore the law, the fiscal investment that people have made to secure resting places for their loved ones, and disdain the social, cultural, ethical, and religious values commonly held in our society.

Section

(2) One application for all of the human remains is not sufficient for the purposes of relocation and/or abandonment of a cemetery. "One application" is an unclear designation that the Office of Cemetery Oversight should have the authority to define. Furthermore, one application suggests that burials from diverse families can be decided by the assent of one family to relocation. Specifically, that one family would have the power to make a decision for other families that is not and should not be their decision to make. This is unconscionable in that one family's decision should not stand as a decision for families that are not known and/or related to them. A stranger should not be making decisions for a multitude of other families.

Also, the Department of Health should not be the best record keeper rather the Office of Cemetery Oversight's purview is cemeteries and therefore the authority should be under their aegis.

This observation brings us to the fact that the Office of Cemetery Oversight is underfunded. A suggested remedy to this fiscal need is that funding that could be derived from fines levied for cemetery law violations and directed to the Office of Cemetery Oversight fund for investigators and administrative action to protect cemeteries. This funding could potentially be established through other cemetery legislation being proposed this session and/or with Tax check off legislation.

Conclusion

With amendments SB 224 has the potential to protect families from experiencing the desecration and loss of their loved ones' remains through unpermitted removal and relocation.

It is time for legislation to end this unconscionable situation, which is so out of step with the image that Maryland is a modern, caring state that supports and values its citizens.

Thank you for your attention and consideration of this testimony.

Sincerely,

Candy Warden

Rosa Bonheur Society, Inc. (founded May 2007)

2010 Periwinkle Award Winner, Coalition to Protect Maryland Burial Sites

Final testimony.pdf

Uploaded by: Christine Simmons

Position: FWA



P. O. Box 1533, Ellicott City, Maryland 21041 www.cpmbms.org

Christine Simmons Testimony at Maryland Senate Finance Committee re SB0224, Jan. 24, 2024

Today I represent the Coalition to Protect Maryland Burial Sites, the state-wide nonprofit dedicated to identifying, protecting, and preserving cemeteries in Maryland. In my 35 years of researching in Anne Arundel County, I have only found 38 burial permits, 4 of those being transit permits. Under the present laws, there is no requirement for any official place to keep these vital records over time... not the funeral home, State's Attorney, or Maryland State Archives. Sometimes there is no known cemetery owner or no clear title. In some cases, remains have been moved without any attempt to contact family members.

After a close review of SB 224, the Coalition recommends that a copy of the burial transit permit be kept by the cemetery property owner or agent, at both the initial and final destinations. There should be a significant fine imposed if all procedures are not followed, with the fines to be deposited in a fund at the Maryland Office of Cemetery Oversight for work at cemeteries usually not eligible for other funding. We also suggest two specific wording changes to current law:

p. 1, line 23(b) (1) : Remove "from this State"

p. 2 line 26 (e) (1): Require documentation of an attempt to reach a family member in advance of remains being reinterred within the same cemetery

The Annotated Code of Maryland currently addresses burial sites in multiple sections -- criminal law, health codes, property rights, and desecration. This approach causes confusion for all parties involved, and leaves gaps in the records about the final resting place of remains. The Coalition's recommendation is for the State to clarify the records by consolidating the laws addressing burials, dis-interments and reinterments that are *not* related to criminal matters under the purview of the Office of Cemetery Oversight. Ultimately this should include creation of a central database of Maryland cemeteries, providing a method to address burial sites where there is no known property owner, incentives for all counties and towns to identify sites, requiring notification of descendants prior to disinterment, requiring funeral homes and State's Attorneys to maintain relevant records, and increasing penalties for vandals and scoff-laws.

In addition to our specific suggestions, the Coalition supports the amendments to SB224 proposed by Mr. David Zinner in his written testimony today, which among other things would transfer oversight of non-criminal investigation dis-interments from the State's Attorney to OCO, ensure descendent notice, and raise penalties for desecration and improper re-interments.

Thank you for your attention. I am happy to answer any questions.

Christine N. Simmons

Tns0301@gmail.com

410-978-7167

Rosa Bonheur Memorial Park.pdf

Uploaded by: David Zinner

Position: FWA

Rosa Bonheur Memorial Park

Final resting place for more than 20 humans
and
thousands of cherished pets
90 year old historic cemetery

Rosa Bonheur Memorial Park



Destructive



Deliberate?



Careless



Disinterment
Site



Footstone
Monuments
of the People
Disinterred



Reinterment Site



SB 224 - Oral Testimony of David Zinner at the Mar

Uploaded by: David Zinner

Position: FWA

Oral Testimony of David Zinner at the Maryland Senate Finance Committee on SB0224
January 24, 2024 at 1:30 pm
DavidZinner26@gmail.com 410-733-3700

My name is David Zinner. I'm a consumer representative on the Maryland Advisory Council for Cemetery Oversight, but my testimony today is not as a member of that Advisory Council. I also consult and advise the Rosa Bonheur Society.

I'll start with an easy question. What is a grave matter? My answer is grave matters are things that we should take seriously. And even more seriously if the grave matter involves graves.

I am saddened to report to this committee a grave matter. On Saturday, December 23, 2023, members and friends of the Rosa Bonheur Society gathered at the Rosa Bonheur Memorial Park to view the significant cemetery desecration that occurred on or about December 19, 2023.

In this 87-year-old cemetery, which has both pet and human burials, eight graves were dug up and remains of bodies were disinterred. They appear to have been relocated elsewhere in the cemetery and apparently buried in a mass grave, but we're not sure because their footstone markers were under a tree and not placed on the re-burial site. Nearby grave stones were damaged, and muddy ruts were abundant throughout the cemetery.

Was this the result of vandalism? Certainly not the usual kind of graffiti and toppled monuments. This desecration required heavy equipment like back hoes and tractors.

Was this approved by the descendants of those buried or were they given a notice of the disinterment? No, quite the opposite. Descendants had previously written that they did not approve or give permission. But the only notice required is a one-time publication in a local newspaper.

Was this legal? In part. The disinterment was approved by the Howard County State's attorney. But the re-burial probably broke numerous laws, including professional oversight and ignored common decency, such as individual burials with their original markers.

This bill, SB 224, already refers to an additional disinterment requirement to obtain a health department permit. But there are giant gaps in Maryland law concerning disinterments. For example, Maryland Criminal law requires approval for disinterment by a State's Attorney. Yet permission or notification of descendants is not required. And no one seems to be responsible to see that the re-burial is done properly.

I believe the proposed amendments to SB 224 offers the opportunity to amend current Maryland law to close significant legal gaps.

My written testimony proposes amendments that will accomplish 4 things:

1. Remove authority from the State's Attorneys for disinterment that is not part of a criminal investigation and give the authority to consider disinterments to the Director of the Office of Cemetery Oversight.
2. Expand the disinterment rules to require more effective notice to descendants
3. Clarify responsibility for supervision of disinterments.
4. Enable and establish penalties for violation of this law.

I've submitted written testimony suggesting language for these amendments.

I'm available for questions.

Thank you for attention to this grave matter.

SB 224 - proposed amendments.pdf

Uploaded by: David Zinner

Position: FWA

Article - Criminal Law
§ 10-402.

Delete (b)(3) for the purpose of reburial

Article - Business Regulation

Add the following §5–507

(a) Except as provided in Maryland Criminal Law Section 10-402 and in subsection (b) of this section, a person may not remove or attempt to remove human remains from a cemetery or columbarium.

(b) Subject to subsection (c) and (d) of this section, the Executive Director of the Office of Cemetery Oversight may authorize in writing the disinterment of human or pet remains from a cemetery.

(c) A descendant of a buried deceased may request approval to disinter their relative after notification to the cemetery owner.

(d) A cemetery owner who requests approval to disinter human or pet remains from a cemetery must:

(1) place a prominent sign at the cemetery location for 30 days with the proposed disinterment plan and contact to obtain more information.

(2) publish and pay for a notice of the proposed relocation in a newspaper, both printed and on-line, of general circulation in the county where the cemetery is located.

(a) The notice shall be published in the newspaper 3 times

(b) The notice shall contain:

- (i) a statement that approval from the Office of Cemetery Oversight is being requested to disinter human remains from a cemetery;
- (ii) the purpose for which the authorization is being requested;
- (iii) the location of the site, including the tax map and parcel number or liber and folio number; and
- (iv) all known pertinent information concerning the site, including the names of the persons whose human remains are interred in the site, if known.

(3) hold a public community meeting to acquaint stakeholders with the proposed disinterment and reinterment process, field questions, receive feedback and hear objections.

(4) consult with, and gain approval from, the following types of stakeholders:

(a) relatives of those buried in the cemetery who would be impacted by the disinterment

(b) informal or volunteer organizations that care for the cemetery.

(c) any county agency that has cemetery preservation as part of its focus

(5) Postpone any disinterment for at least one year if there are objections from any of the stakeholders.

(d) The Director of the Office of Cemetery Oversight may authorize the disinterment of human or pet remains from the cemetery after satisfactory completion of all items in section (c) above.

(e) For a known, but not necessarily documented, unmarked cemetery, the person requesting authorization for the removal of human remains from the cemetery has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the cemetery.

(f) Any remains that are disinterred from a cemetery under this section shall be

(1) reinterred in: a permanent cemetery that provides perpetual care; or

(2) reinterred in a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14-121(a)(4) of the Real Property Article ;

(g) Any human remains that are disinterred from a cemetery under this section shall be disinterred in the presence of a mortician, professional cemeterian, or other individual qualified in the disinterment and interment of human remains;

(h) The location of the final disposition and treatment of human remains that are removed from a cemetery under this section shall be entered into the local cemetery inventory or, if no local cemetery inventory exists, into a record or inventory deemed appropriate by the Office of Cemetery Oversight.

(i) This section may not be construed to:

(1) preempt the need for a permit required by the Department of Health and Mental Hygiene under § 4-215 of the Health - General Article to remove human remains from a cemetery; or

(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.

(j) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$100,000 or both

for each occurrence. Fines collected will become part of a fund administered by the Office of Cemetery Oversight to assist abandoned cemeteries or another approved cemetery protection/preservation program.

(k) A person who violates this section is subject to § 5-106(b) of the Courts Article.

SB 224- Some History of the Rosa Bonheur Memorial

Uploaded by: David Zinner

Position: FWA

Some History of the Rosa Bonheur Memorial Park
By David Zinner – 1/23/2024

For years Friends of Rosa Bonheur have been trying, without success, to work with the developer, Mark Levy, to get an agreement to protect the cemetery. He denies knowing who caused the damage to the cemetery.

In 1979 humans began to be buried at the cemetery. Burials of humans and pets continued until 2004 when the cemetery was closed to new burials although there was room left for thousands of additional burials. There are at least 24 humans buried and 4,000 confirmed animal burials at the cemetery. Many markers for both the human and pet burials had been decorated for Christmas.

On December 20 & 21, 2023, two Rosa Bonheur Society volunteers, and a society member whose family has plots dating back to 1946, observed the cemetery status. They reported desecration of burials, memorials, and the grounds. They provided photos of the damage they witnessed. All three reported deep holes, markers strewn about, damage to the graves surrounding the holes, human remains missing from graves, and the exposure of other remains.

Robert Mosko, of Mosko Cemetery Monument Services, spent an hour assessing the damage. He confirmed that the soil indicated that the vandalism has occurred in the last two days, because the dirt is still fresh, that the area was heavily dug up probably using a backhoe. He noted tractor tracks. At least 3 sites were exhumed with evidence of probing. Graves were blindly destroyed, and human and animal markers strewn around and in piles. He said it was very easy to tell what the desecrators did.

No notice of disinterment was given to the families whose loved ones are buried at Rosa Bonheur. These disrespectful actions, the damage done, and lack of any attempt to repair that damage, make it appear that no professional funeral director and/or staff was present.

Memorial LLC had contacted the State's Attorney for Howard County, Rich Gibson, almost three years ago for permission to disinter human remains. Gibson approved the request, without consulting the impacted families. Families with both human and pet burials strongly objected to any disinterment. Two funeral homes contacted to conduct the disinterment refused to proceed without the family's permission.

Neither the families nor Rosa Bonheur Society has been contacted by any other funeral services companies regarding disinterment.