

Candy Warden, President
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10240 Harvest Fields Drive
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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