

SENATE BILL 50

C2

7lr0493

(PRE-FILED)

By: ~~Senator Astle~~ Senators Astle, Benson, Feldman, Hershey, Jennings, Klausmeier, Mathias, Middleton, Reilly, and Rosapepe

Requested: August 5, 2016

Introduced and read first time: January 11, 2017

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 27, 2017

CHAPTER _____

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~~ care of certain
5 memorials and monuments; ~~authorizing~~ providing that this Act does not prohibit a
6 responsible party for a cemetery ~~to maintain or repair~~ from maintaining or repairing
7 a memorial or monument ~~if certain notice is given and a certain person fails to object;~~
8 ~~requiring a notice under this Act to include certain information, be sent to a certain~~
9 ~~address, and be published a certain number of times in a certain newspaper;~~
10 ~~authorizing a certain responsible party to use certain money to carry out certain~~
11 ~~notice requirements and certain maintenance and repairs; prohibiting a certain~~
12 ~~responsible party from performing certain maintenance and repair under certain~~
13 ~~circumstances; providing for the application of this Act under certain circumstances;~~
14 and generally relating to cemeteries and the maintenance and repair of memorials
15 and monuments.

16 BY adding to

17 Article – Business Regulation

18 Section ~~5-503(e) and 5-804~~

19 Annotated Code of Maryland

20 (2015 Replacement Volume and 2016 Supplement)

21 ~~BY repealing and reenacting, with amendments,~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article – Business Regulation~~
 2 ~~Section 5–603(e)~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2015 Replacement Volume and 2016 Supplement)~~

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

7 **Article – Business Regulation**

8 5–503.

9 ~~(E) (1) EXCEPT AS PROVIDED IN § 5–804 OF THIS TITLE, THE~~ **THE OWNER**
 10 **OF A BURIAL LOT IS RESPONSIBLE FOR THE MAINTENANCE AND REPAIR CARE OF A**
 11 **MEMORIAL OR MONUMENT PLACED ON THE BURIAL LOT.**

12 **(2) NOTHING IS THIS SECTION MAY BE CONSTRUED TO PROHIBIT A**
 13 **PARTY RESPONSIBLE FOR A CEMETERY FROM MAINTAINING OR REPAIRING A**
 14 **DAMAGED MEMORIAL OR MONUMENT.**

15 ~~5–603.~~

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

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

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

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

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

25 ~~5–804.~~

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

27 ~~(1) A PERPETUAL CARE CEMETERY; OR~~

28 ~~(2) NOT A PERPETUAL CARE CEMETERY.~~

29 ~~(B) (1) THE RESPONSIBLE PARTY FOR A CEMETERY MAY MAINTAIN OR~~
 30 ~~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~~

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

~~(3) THE NOTICE SHALL INCLUDE:~~

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

~~(II) THE NAME OF THE CEMETERY IN WHICH THE BURIAL LOT IS LOCATED;~~

~~(III) THE NATURE OF THE MAINTENANCE OR REPAIR THAT IS NEEDED;~~

~~(IV) CONTACT INFORMATION FOR THE RESPONSIBLE PARTY FOR THE CEMETERY; AND~~

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

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

~~(1) A PERPETUAL CARE TRUST FUND; AND~~

~~(2) ANY OTHER MONEY USED BY THE CEMETERY FOR MAINTENANCE OR REPAIR OF THE CEMETERY, INCLUDING MAINTENANCE OR REPAIR OF THE GROUNDS, ROADS, PATHS, BUILDINGS, AND PROPERTY OF THE CEMETERY.~~

1 ~~(D) IF THE OWNER OR A RELATIVE OF THE OWNER OF A BURIAL LOT ON~~
 2 ~~WHICH A MEMORIAL OR MONUMENT IS PLACED OBJECTS TO THE MAINTENANCE OR~~
 3 ~~REPAIR IDENTIFIED IN A NOTICE MADE UNDER THIS SECTION, THE RESPONSIBLE~~
 4 ~~PARTY FOR THE CEMETERY MAY NOT PERFORM THE MAINTENANCE OR REPAIR.~~

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 6 October 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.