

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 50

(Senator Astle, *et al.*)

Finance

Health and Government Operations

Cemeteries - Authority to Maintain and Repair Memorials and Monuments

This bill specifies that the owner of a burial lot is responsible for the care of a memorial or monument placed on the burial lot. However, this responsibility and other specified current law related to burial lots and crypts may not be construed to prohibit a party responsible for a cemetery from maintaining or repairing a damaged memorial or monument.

Fiscal Summary

State Effect: Any fiscal or operational effect on the Department of Labor, Licensing, and Regulation (DLLR) can be absorbed within the agency's existing budget.

Local Effect: None. The bill does not apply to local government-owned cemeteries.

Small Business Effect: Minimal. The bill is generally clarifying in nature.

Analysis

Current Law/Background:

Care of Memorials or Monuments

DLLR advises that, currently, the owner of a burial lot is responsible for the care of a memorial or monument unless the memorial or monument has sustained damage due to the cemetery's negligence. Therefore, the bill's provision to that effect clarifies existing responsibilities for burial lot owners and does not add a new requirement.

DLLR also advises that, currently, a cemetery will repair damage to memorials or monuments caused by its staff during routine maintenance activities. The cemetery reaches out to the last known owner to disclose the issue and to let them know that the cemetery will be repairing the damaged memorial or monument at no cost to the owner.

Office of Cemetery Oversight

The Office of Cemetery Oversight within DLLR was established by Chapter 675 of 1997. The office registers and regulates the cemetery and burial goods industry in the State under the leadership of a director. An advisory council serves as a source of expertise for the director and provides insight into the needs of the business community and the consumers served by the industry. The Cemetery Oversight Fund was established as a continuing, nonlapsing special fund to cover the documented direct and indirect costs of fulfilling the statutory and regulatory duties of the office.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Veterans Affairs; Caroline, Howard, Montgomery, and Prince George's counties; Department of Legislative Services

Fiscal Note History: First Reader - January 11, 2017
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