

Chapter 616

(Senate Bill 286)

AN ACT concerning

**Department of Veterans Affairs – Burial in State Veterans’ Cemeteries – Spouses
and Dependents**

FOR the purpose of requiring the Department of Veterans Affairs to bury the eligible spouse or dependent of a veteran in a State veterans’ cemetery without charge; and generally relating to the burial of veterans’ spouses or dependents.

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 9–906
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

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

Article – State Government

9–906.

(a) (1) In this section the following words have the meanings indicated.

~~(2) “ELIGIBLE SPOUSE” MEANS AN INDIVIDUAL WHO:~~

~~(I) WAS LAWFULLY MARRIED TO A VETERAN AT THE TIME OF THE INDIVIDUAL’S DEATH OR THE DEATH OF THE VETERAN; AND~~

~~(II) DID NOT MARRY ANOTHER INDIVIDUAL AFTER THE DEATH OF THE VETERAN.~~

(2) “ELIGIBLE DEPENDENT” MEANS:

(I) A CHILD WHO MEETS THE REQUIREMENTS STATED IN 38 C.F.R. § 38.620(E); OR

(II) A PARENT WHO MEETS THE REQUIREMENTS STATED IN 38 C.F.R. § 38.620(I).

(3) “ELIGIBLE SPOUSE” MEANS A SPOUSE WHO MEETS THE REQUIREMENTS STATED IN 38 C.F.R. § 38.620(E).

~~[(2)]~~ ~~(3)~~ (4) “State veterans’ cemetery” means a cemetery that the Department establishes under this section.

~~[(3)]~~ ~~(4)~~ (5) In this section and in § 9–907 of this subtitle, “veteran” means an individual who:

(i) served other than dishonorably on active duty in the armed forces of the United States; or

(ii) served other than dishonorably as a member of the State militia ordered into active service of the United States by order of the President and was killed in the line of duty.

~~[(4)]~~ ~~(5)~~ (6) “Washington Cemetery” means the Civil War cemetery grounds authorized by Chapter 213 of the Acts of the General Assembly of 1870.

(b) The Department may establish one or more cemeteries in the State for the burial of veterans and their eligible spouse or dependents as authorized by the Secretary.

(c) The Department may accept land, on behalf of the State or a political subdivision of the State, or otherwise acquire land for a State veterans’ cemetery, if the Department has the approval of:

(1) the governing body of the county where the State veterans’ cemetery is to be located;

(2) the delegation in the General Assembly for the county where the State veterans’ cemetery is to be located; and

(3) the Board of Public Works.

(d) (1) The Department shall maintain and supervise each State veterans’ cemetery.

(2) The Washington Cemetery shall be under the supervision of the Department.

(e) The Department shall provide a plot in a State veterans’ cemetery, without charge, to a veteran who meets the requirements of this section.

(f) To qualify for a plot in a State veterans’ cemetery:

(1) the applicant must be a veteran who meets the requirements for burial at a national veterans’ cemetery or an eligible spouse or dependent of a veteran who meets the requirements of this subsection; and

(2) if a veteran, the veteran must also have been a resident of the State:

(i) when the veteran entered the armed forces;

(ii) when the veteran died; or

(iii) for 2 years, unless, for a reason that the Department finds compelling, the Department waives the time period.

(g) To obtain a plot in a State veterans' cemetery, an applicant shall submit to the Department an application on the form that the Department provides.

(h) (1) ~~[In] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN~~ a plot that is allotted to a veteran, the Department shall bury:

(i) the veteran; and

(ii) any member of the immediate family who is an eligible spouse or dependent of the veteran if the family member can be buried in a space above or below the veteran or in the next available plot.

~~(2) THE DEPARTMENT SHALL BURY AN ELIGIBLE SPOUSE IN A SPACE ABOVE OR BELOW THE VETERAN IN THE SAME PLOT AS THE VETERAN UNLESS CEMETERY MANAGEMENT DETERMINES BURIAL IN THE SAME PLOT IS IMPOSSIBLE.~~

~~(2) (3)~~ ~~(2)~~ With each plot, the Department shall provide [one] A grave liner AT NO COST FOR THE VETERAN OR ELIGIBLE SPOUSE OR DEPENDENT.

~~(ii) For [an eligible] A veteran OR AN ELIGIBLE SPOUSE, the Department shall pay for the grave liner.~~

~~(iii) For an eligible [spouse or] dependent, the grave liner shall be paid for by the family or estate.~~

(i) ~~(1)~~ The Department shall bury the veteran OR ELIGIBLE SPOUSE OR DEPENDENT without charge.

~~(2) For burial of a member of the immediate family who is an eligible [spouse or] dependent, the Department may set a fee that does not exceed the cost of burial.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 12, 2023.