

## History of Abandoned Cemetery Legislation in Maryland

Compiled by David Zinner -

From page 30 of the Sunset Review: Evaluation of the Office of Cemetery Oversight – Department of Legislative Services – October 2011

“The 2005 full evaluation recommended that the Advisory Council of Cemetery Operations study the issue of abandoned and neglected cemeteries with the intention of developing legislation to address the issue. The recommendations directed the advisory council to

1. seek input from

- a. the Maryland Association of Counties
- b. the Maryland Municipal League,
- c. the Department of Public Safety and Correctional Services,
- d. the Maryland Department of Planning,
- e. other historic preservation entities, and
- f. other appropriate persons;

2. develop a legislative proposal for introduction no later than the 2009 session.

The advisory council developed a proposal creating the Maryland Cemetery Heritage Program, which included the creation of a new special fund, the Maryland Cemetery Heritage Fund. At the time the proposal was submitted to the chairs of the Senate Finance Committee and the House Economic Matters Committee in February 2009, the department did not support the creation of a new special fund.

The department expressed that the expansion of special fund programs within State government could meaningfully undercut the flexibility need to maintain the State’s budgetary and revenue requirements in a difficult financial environment. The department advised the committee to review and consider the advisory council’s recommendations for action at a time when the State’s budgetary situation would allow them to be addressed without the economic constraints of the time. Legislation to implement the advisory council’s proposal has not been submitted to the General Assembly.”

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[proposed definitions of Neglected, Abandoned, and Insolvent Cemeteries]

The Advisory Council proposes the creation of a special Fund. This fund will be created by using two primary revenue sources:

1. The addition of a fourth check-off item on State income tax returns that will be identified as the “Maryland Cemetery Heritage Fund” (the “Fund”); and
2. A mechanism whereby individuals and corporation/business interest can donate....