

HB1354/BS1021 Business Regulation-Cemeteries-Requirements for Sale or Transfer or Government Acquisition-FAV

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I am on the boards of both the Anne Arundel Genealogical Society and the Coalition to Protect Maryland Burial Sites and a member of the Maryland Cemetery Legislative Advocates. I have been involved with cemeteries for 40 years both researching and consulting. I have visited hundreds of cemeteries. One of the most pressing issues throughout Maryland is lack of known ownership.

There could be an easier process, with oversight, to enable descendants or non-profit groups to acquire ownership. This bill would enable a county or municipality to assume clear title with the intent to then transfer it. The buyer of the cemetery could absorb the costs involved.

Many small cemeteries were established before the surrounding area was developed. The Maryland Department Assessment and Taxation (SDAT) often does not even identify these sites or give them tax identification numbers since cemeteries are not taxable. When no identification can be found, granting ownership to a new owner is not possible.

In another cases, land has been set aside as "reserved" but never given an identification number. The cemetery is badly overgrown and the community wanted to take over ownership but have been unable to obtain ownership. They have since lost interest and it has, once again, become overgrown.

In another instance, a double plot surrounded by development was listed on plats with no identification. The last known burial there was in 1889. The last known "owner" was the developer who died in the early 20<sup>th</sup> century. A descendant's ancestors are buried in that cemetery and he has been working to obtain title to the property. He's worked with a real estate attorney, had a survey performed, worked with a title abstractor, and contacted his House delegate. All his efforts have failed so far.

In Maryland, if a cemetery location stays within the same family, the owner's name is unchanged on SDAT. If individuals or groups are interested in preserving the cemetery, there is no known contact since the listed "owner" may have died several generations ago. Not knowing a contact or having a common owner's last name causes confusion as to is now responsible for decisions regarding the cemetery. One historic local cemetery has ownership as "The Worthington Family." What if different family members differ about what should happen with the cemetery? Who should be contacted about preserving it?

I look forward to a favorable outcome for this bill.