



Maryland DEPARTMENT OF PLANNING

HEARING DATE: March 4th

BILL NO: HB 1003

COMMITTEE: Health and Government Operations

POSITION: Support with Amendments

FOR INFORMATION CONTACT: Andrew Wilson (443) 721-6789

TITLE: Relocation of Human Remains – Authorization Process

BILL ANALYSIS:

HB 1003 would require a person seeking to relocate human remains from a burial site to apply for approval for relocation with the Office of Cemetery Oversight (OCO) before seeking authorization from the State's Attorney. The person is responsible for prominently posting notice of the request at the burial site, for publishing notification of the proposed relocation in a newspaper, and for providing notice of the intent to relocate the remains to potential descendants.

POSITION AND RATIONALE:

MDP supports this bill with an amendment that would allow the OCO to issue exemptions to the publication requirements for archaeological study, much in the same way that existing Section 10-403 exempts those activities. This amendment is needed to protect sensitive archaeological sites and ensure that the locations of burial sites where looting could be a concern are not publicized.

Burial sites encompass “any natural or prepared physical location, whether originally located below, on, or above the surface of the earth into which human remains or associated funerary objects are deposited as a part of a death rite or ceremony of any culture, religion, or group”, which includes all prehistoric burial places in Maryland dating back at least 13,000 years. Prehistoric burials routinely include grave offerings, which are targeted by looters for sale. In order to protect these sensitive archaeologically related burial sites, MHT restricts access to archaeological site location data to professional archeologists and those working under their

direct supervision, and property owners for sites on their property. Legislative support for this position can be found in both the Public Information Act (particularly General Provisions § 4-350(a)) and the Maryland Historical Trust Act (particularly State Finance and Procurement § 5A-323(c)).

AMENDMENTS TO HOUSE BILL 1003

(First Reading File Bill)

AMENDMENT NO. 1

On page 7, in line 5, after (E) insert “(1)”

AMENDMENT NO. 2

On page 7, in line 8, insert (2) **THE OFFICE MAY EXEMPT AN APPLICANT FROM THE NOTICE AND INFORMATIONAL MEETING REQUIREMENTS OF THIS SECTION IF IT DETERMINES THAT THE APPLICANT IS ACTING IN THE COURSE OF ARCHAEOLOGICAL STUDY.**