



Funeral Consumers Alliance of Maryland and Environs

Protecting a consumer's right to a meaningful, dignified, and affordable funeral.

House Health and Government Operations Committee of the Maryland General Assembly

Testimony on: HB 877 - "Burial Sites - Access, Disinterment, Criminal Penalties & Tax Credit"

Position: Support

Hearing date: February 28, 2018

The Funeral Consumers Alliance of Maryland and Environs strongly supports HB 877 that would help address many of the threats to burial sites in every county of our state by providing a number of legal protections to cemetery customers and their descendants. The bill also would enable counties and municipalities to encourage and assist owners to preserve cemeteries, such as by providing a local property tax credit to cemetery owners for certain improvements to a burial site.

Currently there are hundreds of burial sites across our state that are overgrown, vandalized and largely forgotten about, with grave stones missing, broken or fallen over. Too often these same sites are being exploited by persons seeking to sell the land without regard for the human remains buried there or how those remains would be desecrated by construction if the land was sold for development. Burial sites are often sold without the knowledge, approval or involvement of descendants of people buried there, and sometimes despite covenants recorded in land records that exclude the burial sites from the sale of adjoining property.

HB 877 would require burial lot owners and their descendants to be notified of a proposed sale of a burial ground for another purpose. And the court would be authorized to possibly reject the sale of a burial ground if an owner or relative of a burial lot owner objects to the sale or if the Office of Cemetery Oversight has proposed an alternate use for the property, such as a park, open space or historic property.

Currently desecration of human remains is not identified as a crime. To remedy this, the bill specifies that a person may not vandalize, damage, dig up or destroy human remains. Removal and relocation of human remains continues to be in the jurisdiction of the State's Attorney in each county.

The bill recognizes that family access to a family burial site is a basic right, and requires that access be permitted providing visitors gaining access are liable to the property owner for any damage caused as a result of their access.

To encourage burial sites to be properly maintained, the bill would allow a county or municipality to require the owner to make arrangements for repair or maintenance of the burial site, and if the owner does not respond, to perform the repair or maintenance and charge the owner or impose a lien on the property to cover the cost of the repair or maintenance.

In summary, HB 877 provides a comprehensive approach to encouraging burial sites in our state to be maintained and not abandoned, while also establishing a number of common-sense protections for the rights of citizens whose family members are buried in cemeteries around our state. We urge a favorable report on HB 877.

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FCAME is the volunteer-run, regional chapter of the non-profit Funeral Consumers Alliance (FCA), the oldest and largest consumer protection organization focused solely on guarding the rights (and wallets) of grieving consumers. FCA and its chapters take no money from the death care industry or government.

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