

Chapter 477

(Senate Bill 50)

AN ACT concerning

Cemeteries – Authority to Maintain and Repair Memorials and Monuments

FOR the purpose of establishing that, ~~except as provided by certain provisions of law,~~ the owner of a burial lot is responsible for the ~~maintenance and repair~~ care of certain memorials and monuments; ~~authorizing providing that this Act does not prohibit a responsible party for a cemetery to maintain or repair from maintaining or repairing a memorial or monument if certain notice is given and a certain person fails to object; requiring a notice under this Act to include certain information, be sent to a certain address, and be published a certain number of times in a certain newspaper; authorizing a certain responsible party to use certain money to carry out certain notice requirements and certain maintenance and repairs; prohibiting a certain responsible party from performing certain maintenance and repair under certain circumstances; providing for the application of this Act under certain circumstances;~~ and generally relating to cemeteries and the maintenance and repair of memorials and monuments.

BY adding to

Article – Business Regulation
Section 5–503(e) ~~and 5–804~~
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Business Regulation
Section 5–603(e)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)~~

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

Article – Business Regulation

5–503.

(E) (1) ~~EXCEPT AS PROVIDED IN § 5–804 OF THIS TITLE, THE~~ THE OWNER OF A BURIAL LOT IS RESPONSIBLE FOR THE ~~MAINTENANCE AND REPAIR~~ CARE OF A MEMORIAL OR MONUMENT PLACED ON THE BURIAL LOT.

(2) NOTHING IS THIS SECTION MAY BE CONSTRUED TO PROHIBIT A PARTY RESPONSIBLE FOR A CEMETERY FROM MAINTAINING OR REPAIRING A DAMAGED MEMORIAL OR MONUMENT.

~~5-603.~~

~~(c) The income from the perpetual care trust fund:~~

~~(1) shall be used only for the perpetual care of the cemetery, including:~~

~~(i) the maintenance, including the cutting of grass abutting memorials or monuments, administration, supervision, and embellishment of the cemetery and its grounds, roads, and paths; and~~

~~(ii) the repair and renewal of buildings, including columbaria and mausoleums, and the property of the cemetery; and~~

~~(2) EXCEPT AS PROVIDED IN § 5-804 OF THIS TITLE, may not be used to care for memorials or monuments.~~

~~5-804.~~

~~(A) THIS SECTION APPLIES TO A CEMETERY THAT IS:~~

~~(1) A PERPETUAL CARE CEMETERY; OR~~

~~(2) NOT A PERPETUAL CARE CEMETERY.~~

~~(B) (1) THE RESPONSIBLE PARTY FOR A CEMETERY MAY MAINTAIN OR REPAIR A MEMORIAL OR MONUMENT IF NOTICE OF THE INTENDED MAINTENANCE OR REPAIR IS GIVEN TO THE OWNER OF THE BURIAL LOT ON WHICH THE MEMORIAL OR MONUMENT IS PLACED IN ACCORDANCE WITH THIS SUBSECTION AND THE OWNER OR A RELATIVE OF THE OWNER FAILS TO OBJECT TO THE MAINTENANCE OR REPAIR.~~

~~(2) THE NOTICE SHALL BE:~~

~~(i) SENT BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE OWNER OF THE BURIAL LOT ON WHICH THE MEMORIAL OR MONUMENT IS PLACED; AND~~

~~(ii) PUBLISHED ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE CEMETERY IS LOCATED.~~

~~(3) THE NOTICE SHALL INCLUDE:~~

~~(I) THE NAME OF THE OWNER OF THE BURIAL LOT ON WHICH THE MEMORIAL OR MONUMENT IS PLACED;~~

~~(II) THE NAME OF THE CEMETERY IN WHICH THE BURIAL LOT IS LOCATED;~~

~~(III) THE NATURE OF THE MAINTENANCE OR REPAIR THAT IS NEEDED;~~

~~(IV) CONTACT INFORMATION FOR THE RESPONSIBLE PARTY FOR THE CEMETERY; AND~~

~~(V) A STATEMENT THAT THE MAINTENANCE OR REPAIR OF THE MEMORIAL OR MONUMENT WILL BE CONDUCTED WITHOUT THE CONSENT OF THE OWNER IF THE OWNER OR A RELATIVE OF THE OWNER DOES NOT OBJECT WITHIN 30 DAYS AFTER THE DATE OF THE FINAL PUBLICATION OF THE NOTICE IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION.~~

~~(C) TO CARRY OUT THE NOTICE REQUIREMENTS OF THIS SECTION AND THE SUBSEQUENT MAINTENANCE AND REPAIR AUTHORIZED UNDER THIS SECTION, A RESPONSIBLE PARTY FOR A CEMETERY MAY USE MONEY FROM:~~

~~(1) A PERPETUAL CARE TRUST FUND; AND~~

~~(2) ANY OTHER MONEY USED BY THE CEMETERY FOR MAINTENANCE OR REPAIR OF THE CEMETERY, INCLUDING MAINTENANCE OR REPAIR OF THE GROUNDS, ROADS, PATHS, BUILDINGS, AND PROPERTY OF THE CEMETERY.~~

~~(D) IF THE OWNER OR A RELATIVE OF THE OWNER OF A BURIAL LOT ON WHICH A MEMORIAL OR MONUMENT IS PLACED OBJECTS TO THE MAINTENANCE OR REPAIR IDENTIFIED IN A NOTICE MADE UNDER THIS SECTION, THE RESPONSIBLE PARTY FOR THE CEMETERY MAY NOT PERFORM THE MAINTENANCE OR REPAIR.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 4, 2017.