

SENATE No. 1262

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Massachusetts Cemeteries Board of Oversight.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/7/2017</i>

SENATE No. 1262

By Mr. Rush, a petition (accompanied by bill, Senate, No. 1262) of Michael F. Rush and Paul McMurtry for legislation to establish the Massachusetts Cemeteries Board of Oversight. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1215 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing the Massachusetts Cemeteries Board of Oversight.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 114 of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by inserting after section 2A the following section:-

3 Section 2B. (a) There is hereby established within the executive office of health and
4 human services a cemeteries oversight board, to be known as the Massachusetts Cemeteries
5 Board of Oversight. The board shall consist of six members: the chair who shall be the
6 commissioner of public health or a designee, provided that the designee shall be a full-time
7 employees of the office at all times while so designated; the undersecretary of consumer affairs
8 or a designee; a full-time assistant attorney general in the business and labor bureau designated
9 by the attorney general; a full-time employee of the secretary of the commonwealth in the
10 corporations division designated by the secretary of state, a member of the Massachusetts

11 Cemetery Association, Inc. who shall be appointed by the governor; a member of the
12 Massachusetts Municipal Association who has knowledge of cemetery operations who shall be
13 appointed by the governor. Members of the board shall be appointed for a period of three years
14 and upon the expiration of a term of an appointive member, a successor shall be appointed in like
15 manner for a term of three years. Any vacancy on the board shall be appointed in like manner
16 and shall remain on the board until the term has expired. Members of the commission shall
17 receive no compensation but shall be reimbursed for their actual and necessary expenses incurred
18 in the performance of their duties as members of the board.

19 The Massachusetts Cemeteries Board of Oversight shall perform the following duties: (i)
20 promulgate rules and regulations for the transaction of its business and the betterment and
21 promotion of the standards of service and practice to be followed in the profession of cemetery
22 operations; (ii) adopt, amend, rescind rules in accordance of this section to carry out governing
23 the registration of cemeteries; (iii) prescribe the form and content of all applications to be used
24 for registration and renewal registration pursuant to this section; (iv) review applications for
25 registration and issue registration certificates to cemeteries that meet qualifications for
26 registration pursuant to section 2; (v) collect all fees related to the registration and renewal of
27 registration certificates for cemeteries; (vi) maintain a written record of each ceremony registered
28 with the division, which shall include all documentation pursuant to section 2; (vii) investigate
29 any and all cemetery operations and complaints of violations of the provisions governing
30 cemeteries, and, if necessary bring such violations to the notice of the proper officers; (viii)
31 employ inspectors who shall investigate and report to the board the results of their investigations.
32 The record shall be available for inspection by the public and copies shall be made available
33 pursuant to the executive office of health and human services rules and regulations.

34 (b) No governing body, as defined by section 1 of chapter 114 of the General Laws shall
35 own, operate, or maintain a cemetery unless the cemetery is registered pursuant to this section.

36 Any governing body, as defined by section 1 of chapter 114 of the General Laws shall
37 apply to the Massachusetts Cemeteries Board of Oversight to register the cemetery on forms
38 prescribed by the division. With this application, the applicant shall submit documentation
39 required under this section with a registration fee of one hundred dollars per cemetery, provided
40 further that any governing body of a national veterans cemetery, state veterans cemetery, or
41 municipal cemetery shall be exempt from any registration or renewal fee.

42 Upon receipt of the completed application form, documentation, and required registration
43 fee, the Massachusetts Cemeteries Board of Oversight shall issue a certificate of registration to
44 the applicant. The applicant shall display the certificate on the premises of the cemetery for
45 which the registration was obtained. The certificate shall be kept on file and be available for
46 public inspection at the office of the governing body.

47 Except as otherwise provided by the Board, each registration issued pursuant to this
48 section shall expire annually from the date of initial registration. The renewal fee shall be the
49 same as the initial registration fees prescribed in this section. Failure to re-new registration shall
50 be subject to a fine that is not less than ten dollars per day.

51 The board of directors or board of trustees of any private, non-profit cemetery shall hold
52 an annual association meeting for the purposes of the election of directors and the transaction of
53 other business on a date fixed by or under the by-laws of the association. The board of directors
54 or the board of trustees shall accept an annual financial statement that contains an accounting of

55 association income and expenses for the preceding fiscal year and an accounting of association
56 assets.

57 The governing body, as defined by section 1 of chapter 114 of the General Laws, of each
58 cemetery shall be required to register under this section shall provide the Massachusetts
59 Cemeteries Board of Oversight, on a form prescribed by the board; (i) the name of the
60 cemetery, the street address, city or town, and county where the cemetery is located, and the
61 mailing address if different from the street address; (ii) a list of the names and addresses of the
62 owners (s), officers, directors, trustees and the person responsible for the operation and
63 maintenance of the cemetery; (iii) compensation of officers, directors, trustees, the person
64 responsible for the operation and maintenance of the cemetery, and independent contractors; (iv)
65 a copy of an annual report for the previous year of all assets, investments, income, and expenses;
66 (v) disclosure of the minutes of the annual meeting; (vi) a financial statement as to the condition
67 of the perpetual care fund; (vii) a copy of the rules, regulations and by-laws; (viii) any other
68 benefits offered to any officer, director, trustee or person responsible for the operation and
69 maintenance of the cemetery; (ix) any other pertinent information relative to cemetery operations
70 as deemed appropriate by the board consistent with the laws of the commonwealth.