



House General, Housing and Military Affairs Committee

H. 25: Health, Cemeteries, Natural Burial Grounds

Vermont League of Cities and Towns

Karen Horn, Director of Public Policy & Advocacy

February 11, 2015

Thank you for the opportunity to testify on H. 25.

We have a few questions and suggestions for amending the language of H. 25 inasmuch as municipalities have responsibilities for the public health and safety, and are also involved with the maintenance of cemeteries.

There is no definition of “public cemetery” as that term is used in Chapter 107, section 5321 and 5364. The term is used interchangeably with “Public burial ground” in Chapter 107. We urge the committee to include a definition of “public cemetery” in the definition section, 5302 and to amend language to use public cemetery consistently in the chapter. “Public cemetery means a cemetery owned, funded and managed by the municipality.”

We strongly support the recommendations of Health Commissioner Harry Chen regarding limitations on natural burials when there is a public health risk, and siting criteria related to water supplies. The committee should also consider siting criteria related to setbacks from waters of the state and may want to consult with the Chair of the House Fish, Wildlife and Water Resources Committee regarding what would be appropriate.

We strongly urge the committee to include natural burial grounds in the requirement to establish a perpetual care fund (section 5306). There are costs associated with a green burial location, such as markers if a family chooses, presumably keeping track of where people are buried, trails such as those described on the Greenspring Natural Burial website and other maintenance costs such as integrated pest management, and “design, operation and maintenance to produce a naturalistic appearance” (copy of the Green Burial Council

Guidelines attached). It would seem that a plat (described in section 5310) of such a cemetery would also be appropriate.

We urge you not to expand the universe of properties exempt from property tax. This will be particularly difficult to define for the purpose of taxation if an individual establishes a natural burial ground on a portion of his or her property for his or her family.

A few years ago, you amended the statute to provide that the Department of Health be charged with the burial of remains of people who died without means to pay for burial. We urge you to amend section 5371 of Chapter 107 to provide markers at the expense of the Department of Health.

§ 5371. Town or city to furnish headstone

In case of the burial of a person not having known estate, and not having a suitable marker or headstone erected at his or her grave within three years from the date of such burial, the selectmen of the town or the aldermen of a city, as the case may be, wherein such person is buried, shall cause to be erected at such person's grave, at the expense of such town or city, a suitable marker or headstone with the inscription thereon of the name of the deceased and dates of his or her birth and death, if the same are known.

Under current law, the Selectboard is required to repair private burial grounds when they have been abandoned. We cannot think of another instance where municipalities are charged with the upkeep of private properties as a result of the private property owner failing to do so. We urge you to delete section 5321.

§ 5321. Improvement of private burial grounds; duties of officers

When the use and care of a private burial ground has been abandoned and such ground becomes unsightly from any cause, or when headstones or monuments have been displaced, the selectmen or board of cemetery commissioners having charge of the public cemeteries in the town where such burial ground is located, on written request of three legally qualified voters of such town, shall forthwith cause a notice to be published once a week on the same day of the week for three successive weeks in some newspaper circulating therein, calling upon any person interested in such burial ground to cause the same to be put in proper condition within three months from the date of such notice. At the expiration of such time, if such demand is not complied with, the selectmen or board shall proceed then and thereafter as if such ground were a public burial place. (Amended 1989, No. 142 (Adj. Sess.), § 9.)

Thank you again for the opportunity to testify.

*Karen Horn, Director
Public Policy & Advocacy
Vermont league of Cities and Towns*