

(b) (1) [A] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, A person may not ~~willfully~~ destroy, damage, or remove a tree, plant, or shrub in a cemetery.

(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT PROHIBIT NORMAL MAINTENANCE OF A CEMETERY OR BURIAL SITE, INCLUDING TRIMMING OF TREES AND SHRUBS, REMOVAL OF WEEDS OR NOXIOUS GROWTHS, GRASS CUTTING, OR OTHER ROUTINE CARE AND MAINTENANCE.

(c) A person may not engage in indecent or disorderly conduct in a cemetery.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a violation of subsection (a) of this section, imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both; and

(2) for a violation of subsection (b) or (c) of this section, imprisonment not exceeding 2 years or a fine not exceeding \$500 or both.

(e) This section does not prohibit the removal of human remains or a funerary object from an abandoned cemetery if:

(1) the removal is authorized in writing by the State's Attorney of the county in which the cemetery containing the human remains or funerary object is located; and

(2) the human remains or funerary object are placed in an accessible place in a permanent cemetery.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved April 26, 2005.

CHAPTER 209

(House Bill 415)

AN ACT concerning

Natural Resources - Program Open Space Funds - Transfer to Maryland Heritage Areas Authority Financing Fund and Required Study

FOR the purpose of increasing the amount of money authorized to be transferred in a certain manner to the Maryland Heritage Areas Authority Financing Fund from certain funds distributed to Program Open Space; requiring the Maryland Heritage Areas Authority to conduct a certain study and submit a certain report to the Governor and certain committees on or before a certain date; and generally relating to the Maryland Heritage Areas Authority Financing Fund and funding for Program Open Space.