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Some eternal resting places missing crucial element of perpetual care

By J.L. MILLER
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DOVER — Legislation that would regulate most cemeteries in Delaware needs a lot of work before it can be sent to the General Assembly for a vote, its sponsor said Wednesday.

But Sen. Margaret Rose Henry, D-Wilmington East, promised cemetery operators and others during a public hearing in Legislative Hall that a bill will merge before the end of the session in June.

"This is a work in progress. This is going to take some time," Henry said, adding that the Legislature must address what she called "a massive, massive problem."

About three dozen people attended the hearing of the Cemetery Study Committee, which is trying to craft a bill to ensure

that the state's cemeteries are properly run and that perpetual care is provided.

The committee and the push for legislation came as the result of problems at Riverview Cemetery in Wilmington, which fell into disrepair and lacked records that could show who was buried in each grave. Some families still don't know where their loved ones are buried.

The two bills would impose an extra \$2 fee for copies of death certificates to help provide money for a fund that distressed cemeteries could draw on.

The bills also would require cemeteries to establish a maintenance trust of \$10,000, although that figure has been the subject of some debate. Many cemeteries are run by churches or volunteer groups that could find it hard to raise that sort of money.

Part of the bill's aim is to determine just how many cemeteries there are in

Delaware. Estimates range from 220 to more than 1,200, and only a handful are run as for-profit operations. All would be required to register.

Larrimore P. Pippin, owner of Pippin Funeral Home in Wyoming, told legislators that the cemetery system is in dire need of regulation.

Pippin said a family can pay in advance for a funeral plot and a vault, turn over a sum of money to a cemetery and then have no assurance the money will be spent in accordance with their wishes. That money needs to be put into a trust, he said.

Without that accountability, Pippin said, "There could be a million dollars somewhere. Where is it?"

Pippin also said it can be difficult or impossible even to determine a cemetery's ownership.

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The News Journal/GARY EMEICH

Odd Fellows Cemetery in Smyrna is under new management after the perpetual care fund was looted by a former lodge member in the late 1990s. The cemetery is one example of why some legislators are backing financial control measures.

Cemetery: Operators want legal protection

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"As a professional in the funeral industry, I am regulated to the hilt. Cemeteries have no regulations at all, and everything I just said proves it," Pippin said.

The lack of financial controls has caused problems at cemeteries for at least a decade.

In the late 1990s, people with loved ones buried at Odd Fellows Cemetery in Smyrna learned that the cemetery's perpetual care fund had been looted years before by a former member of the Odd Fellows lodge who embezzled the money and moved to Florida.

That cemetery now is under different management.

But Stephen Michlin, rep-

resenting the Jewish Community Cemetery in Wilmington, said cemetery operators need some protection as well.

Michlin asked, hypothetically, what would happen if a cemetery buried a person and was paid by check, only to have the check bounce.

"Once the person's in the ground, what recourse do we have?" Michlin asked.

Henry said she will ask members of the study committee to use Wednesday's testimony to revise the bills and present them to the full committee.

"This is just step one," Henry said. "We're going to get our pencils out and ask our attorneys to help out."

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