

# MAINE STATE LEGISLATURE

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November 22, 1955

To: Allan L. Robbins, Warden, Maine State Prison  
Re: Burial Expenses

Your phone call relative to arrangements for burial of deceased prisoner received.

You personally have no right to pay over the sums in your hands to defray funeral expense of the decedent. You may, however, contract for the burial for and in behalf of the decedent's estate.

The money in your hands should be retained until the estate of the deceased is presented for probate and then turned over to the administrator. The undertaker looks to the estate for the payment of reasonable sums as may be necessary for burial, even though such expenses may have been incurred after the death and before the appointment of an administrator. Phillips v. Phillips, 87 Maine 324.

Burial expenses are payable from the estate prior to the payment of any legacies to the heirs at law.

Roger A. Putnam  
Assistant Attorney General

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