

MAINE STATE LEGISLATURE

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January 2, 1957

no

To F. C. Curran, Chairman, State Anatomical Commission

You ask for an interpretation of Section 12 of Chapter 66 of the Revised Statutes.

In essence this section provides that public officers having charge or control over dead human bodies required to be buried at public expense may deliver such bodies to a board for the collection, distribution and delivery of dead human bodies to be used for the advancement of medical education.

A question has arisen as to the availability of dead bodies for the advancement of medical science in the case that the unclaimed body is that of an otherwise indigent person who, because of prior contributions under the Federal Insurance Contributions Act, is entitled to a lump sum death benefit for burial expenses. You inquire if such dead body may be delivered by the public officer to the board, for the purposes set forth in the statute.

Answer. No.

Burial at public expense means burial with the ultimate cost sustained by the taxpayers' dollars.

A lump sum death benefit paid under FICA results from contributions made by the deceased or on his behalf and is a fund upon which the deceased had definite claims. Such fund was as definitely due the deceased as the benefits of a fully paid-up life insurance policy would be to him and could no more be classed as public expense than could the life insurance benefit.

The nature of the lump sum benefit under FICA is such that burial costs paid from the fund could not be classed as burial at public expense, even if a town bears the cost initially, with reimbursement under the FICA.

James Glynn Frost
Deputy Attorney General

jgf/c