

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 296

6  
7 S.P. 98

In Senate, January 30, 1985

8 Reference to the Committee on Human Resources suggested and ordered  
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Clark of Cumberland.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT Concerning Municipal Burial Expenses.  
18

19 Be it enacted by the People of the State of Maine as  
20 follows:

21 22 MRSA §4313, sub-§2, as amended by PL 1983, c.  
22 701, §4, is repealed and the the following enacted to  
23 read:

24 2. Burial. In the event of the death of an eli-  
25 gible person, the funeral director shall notify the  
26 overseer prior to making any burial preparations. If  
27 that notice is not given within 20 days from the date  
28 of death, the municipality shall not be liable for  
29 any burial expenses under this subsection.

30 A. The father, mother, grandfather, grandmother,  
31 children or grandchildren, by consanguinity, liv-  
32 ing within or owning real or tangible property  
33 within the State, shall be responsible for the  
34 burial costs of the eligible person in proportion

1 to their respective abilities. If an eligible  
2 person dies leaving any relative responsible un-  
3 der this paragraph, the overseer shall, upon ap-  
4 plication, determine what family resources are  
5 available to assume the cost, in whole or in  
6 part, of the burial expenses. The overseer shall  
7 render a written decision within 10 days of re-  
8 ceipt of an application, and during that 10-day  
9 period shall attempt to locate all responsible  
10 parties and resources. If responsible family  
11 members refuse to allow the overseer to investi-  
12 gate their resources under this paragraph or  
13 refuse to contribute to the burial costs if they  
14 appear able, as a result of an application, the  
15 municipality may initiate court action pursuant  
16 to section 4319.

17 B. A municipality shall not accept full respon-  
18 sibility for burial expenses unless:

19 (1) All responsible family members demon-  
20 strate to the overseer's satisfaction their  
21 inability to pay, in full or in part, or  
22 make a deferred payment arrangement with the  
23 funeral director; and

24 (2) No other benefits or resources are  
25 available under any federal, state or other  
26 program that will provide full or partial  
27 payment for the burial, including, but not  
28 limited to, any death benefits under Social  
29 Security or any other program, or contribu-  
30 tions from other persons.

31 C. If payments from the responsible family mem-  
32 bers, other persons or other available resources  
33 are not sufficient to pay all burial expenses of  
34 an eligible person, the municipality shall pay up  
35 to \$650 to cover any remaining burial expenses.  
36 These expenses may include only removal of the  
37 body from a local residence or institution, pro-  
38 curement of a death certificate or obituary, em-  
39 balming, minimal expenses for a casket and rea-  
40 sonable overhead costs.

41 D. In addition to any payments made under para-  
42 graph C, the municipality shall pay that portion

1 of the following expenses of an eligible person  
2 which are not to be paid by responsible family  
3 members, other persons or other available re-  
4 sources:

5 (1) If an ordinance in the municipality re-  
6 quires a vault or cement liner for burial,  
7 the cost up to \$125 for a vault or cement  
8 liner;

9 (2) The minimum cost of a lot in a ceme-  
10 tery; and

11 (3) The cost of opening and closing a  
12 gravesite.

13 STATEMENT OF FACT

14 The purpose of this bill is to clarify the re-  
15 sponsibility of municipalities to bear the costs of  
16 burial for persons eligible for general assistance.

17 1223012385