

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 800

6  
7 S.P. 311

In Senate, February 28, 1985

8 Referred to the Committee on Local and County Government. Sent down  
9 for concurrence and ordered printed.

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

Presented by Senator Gauvreau of Androscoggin.

Cosponsored by Representative Nadeau of Saco, Representative Hickey  
11 of Augusta and Senator Berube of Androscoggin.

12 STATE OF MAINE  
13

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

17 AN ACT Relating to Burial Preparations for  
18 Indigent Persons.  
19

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

22 22 MRSA §4313, sub-§2, as amended by PL 1983, c.  
23 701, §4, is further amended to 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.  
27 Notwithstanding section 4305, subsection 3, paragraph  
28 C, a decision on any application for assistance with  
29 burial expenses need not be rendered until the over-  
30 seer has verified that no relative or other resource  
31 is available to pay for the burial costs, but in no  
32 case shall the decision be rendered more than 10 days  
33 after receiving an application. The father, mother,  
34 grandfather, grandmother, children or grandchildren,  
35 by consanguinity, living within or owning real or  
36 tangible property within the State, shall be respon-

1 sible for the burial costs of the eligible person in  
2 proportion to their respective abilities. In the  
3 event the eligibility of a deceased individual to be  
4 buried at public expense cannot be ascertained  
5 through the exercise of reasonable diligence prior to  
6 burial, the heirs, assigns or personal representa-  
7 tives may apply for municipal assistance for burial  
8 costs within 30 days of the burial.

9 STATEMENT OF FACT

10 Under present law, a municipality is liable for  
11 the expense of a deceased indigent person's burial  
12 only if application for municipal assistance and no-  
13 tification of burial preparations were provided to  
14 the municipality in advance of the burial. In the  
15 vast majority of burials of indigent persons, eligi-  
16 bility for municipal assistance for burial costs can  
17 readily be determined in advance of the burial. In  
18 certain situations, such eligibility cannot be easily  
19 ascertained. For example, insurance which was  
20 thought to be available to cover burial expenses may  
21 not actually be available. In such situations, a fu-  
22 neral director should not be required to bear the ex-  
23 pense of the indigent's burial. If the deceased was  
24 in fact indigent at the time of his death, he should  
25 be accorded a burial at public expense even though  
26 his eligibility for municipal assistance was not  
27 readily apparent at the time of burial. This bill  
28 requires municipalities to assume liability for the  
29 burial expenses of those persons whose eligibility  
30 for assistance was not capable of ascertainment on  
31 the date of burial by the exercise of reasonable dil-  
32 igence, provided that application for assistance is  
33 made within 30 days after burial.

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