

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1036

S.P. 353

In Senate, March 1, 2005

### **An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MAYO of Sagadahoc.  
Cosponsored by Representative BARSTOW of Gorham and  
Senator: ANDREWS of York, Representatives: BLANCHARD of Old Town, MUSE of  
Fryeburg, SCHATZ of Blue Hill.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §4313, sub-§2**, as amended by PL 1993, c. 410,  
Pt. AAA, §8, is further amended to read:

6 **2. Burial or cremation.** In the event of the death of an  
7 eligible person, the funeral director shall notify the overseer  
8 prior to burial or cremation or by the end of the next business  
9 day following the funeral director's receipt of the body,  
10 whichever is earlier. Notwithstanding section 4305, subsection 3,  
11 paragraph C, a decision on any application for assistance with  
12 burial expenses need not be rendered until the overseer has  
13 verified that no relative or other resource is available to pay  
14 for the direct burial or cremation costs, but the decision must  
15 be rendered within ~~10~~ 2 days after receiving an application. The  
16 father, mother, ~~---grandfather,---grandmother,~~ and children,  
17 ~~grandchildren--or--siblings,~~ by consanguinity, living within or  
18 owning real or tangible property within the State, are  
19 responsible for the burial or cremation costs of the eligible  
20 person in proportion to their respective abilities. When no  
21 legally liable relative possesses a financial capacity to pay  
22 either in lump sum or on an installment basis for the direct  
23 costs of a burial or cremation, the contribution of a  
24 municipality under this subsection is limited to a reasonable  
25 calculation of the funeral director's direct costs, less any and  
26 all contributions from any other source.

28 **SUMMARY**

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31 Under current law, when certain eligible people die, a  
32 decision on an application to a municipality for assistance with  
33 burial or cremation expenses must be rendered within 10 days.  
34 This bill reduces the time frame for a decision from 10 to 2  
35 days. In addition, this bill reduces the pool of relatives  
36 responsible for burial or cremation costs.