

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 378

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S.P. 146

In Senate, February 12, 2015

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**An Act To Facilitate the Issuance of a Gravestone for a Deceased  
Veteran with No Next of Kin**

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Representative LUCHINI of Ellsworth and  
Senators: CUSHING of Penobscot, DILL of Penobscot, MASON of Androscoggin, PATRICK  
of Oxford, VALENTINO of York, Representatives: LONGSTAFF of Waterville, TURNER of  
Burlington.

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

2 **Sec. 1. 22 MRSA §2843-A, sub-§1, ¶D**, as amended by PL 2009, c. 159, §1, is  
3 further amended to read:

4 D. "Next of kin" means a person having the following relationship to the subject, in  
5 the following order of priority:

6 (1) The spouse;

7 (1-A) A domestic partner. For purposes of this section, "domestic partner"  
8 means the partner of the subject who:

9 (a) Is a mentally competent adult;

10 (b) Had been legally domiciled with the subject for at least 12 months  
11 immediately preceding the death of the subject;

12 (c) Is not legally married to or legally separated from another individual;

13 (d) Was the sole partner of the subject; and

14 (e) Was jointly responsible with the subject for each other's common welfare  
15 as evidenced by joint living arrangements, joint financial arrangements or  
16 joint ownership of real or personal property;

17 (2) An adult son or daughter;

18 (3) A parent;

19 (4) An adult brother or sister;

20 (5) An adult grandchild;

21 (6) An adult niece or nephew who is the child of a brother or sister;

22 (7) A maternal grandparent;

23 (8) A paternal grandparent;

24 (9) An adult aunt or uncle;

25 (10) An adult first cousin; ~~or~~

26 (11) Any other adult relative in descending order of blood relationship; ~~or~~

27 (12) If the subject is a veteran and has no known living spouse or adult relative,  
28 the Adjutant General. For purposes of this paragraph, "veteran" has the same  
29 meaning as in section 2900, subsection 1, paragraph B.

30 **Sec. 2. 22 MRSA §2900, sub-§3**, as enacted by PL 2011, c. 318, §1, is amended  
31 to read:

32 **3. Sharing information.** Notwithstanding any other provision of law, a funeral  
33 director, the Adjutant General or other authorized person under subsection 2 may share  
34 information concerning cremated remains in the funeral director's or other authorized  
35 person's possession with the United States Department of Veterans Affairs, the Adjutant

1 General, a veterans' service organization or a national cemetery to determine whether the  
2 cremated remains are those of a veteran.

3 **Sec. 3. 37-B MRSA §515** is enacted to read:

4 **§515. Adjutant General as next of kin**

5 If the Adjutant General is next of kin to a veteran under Title 22, section 2843-A, the  
6 Adjutant General shall ensure that the veteran receives all benefits to which the veteran is  
7 entitled, including a grave marker or other death benefit from the United States  
8 Department of Veterans Affairs.

9 **SUMMARY**

10 This bill makes the Adjutant General the next of kin to a deceased veteran who has  
11 no known living spouse or adult relatives and directs the Adjutant General to ensure the  
12 veteran receives all death benefits, including a grave marker from the United States  
13 Department of Veterans Affairs.