

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 518

S.P. 179

In Senate, February 9, 2017

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

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

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Senator: LIBBY of Androscoggin.

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

2 **Sec. 1. 22 MRSA §4313, sub-§2**, as amended by PL 2007, c. 411, §1, is further
3 amended to read:

4 **2. Burial or cremation.** In the event of the death of an eligible person, the funeral
5 director shall notify the overseer prior to burial or cremation or by the end of 3 business
6 days following the funeral director's receipt of the body, whichever is earlier.
7 Notwithstanding section 4305, subsection 3, paragraph C, a decision on any application
8 for assistance with burial expenses need not be rendered until the overseer has verified
9 that ~~no~~ a relative or other resource is not available to pay for the direct burial or
10 cremation costs, but the decision must be rendered within 8 days after receiving an
11 application. The father, mother, grandfather, grandmother, children or grandchildren, by
12 consanguinity, ~~living within or owning real or tangible property within the State, or the~~
13 spouse or domestic partner are responsible for the burial or cremation costs of the eligible
14 person in proportion to their respective abilities. When no legally liable relative
15 possesses a financial capacity to pay either in lump sum or on an installment basis for the
16 direct costs of a burial or cremation, the contribution of a municipality under this
17 subsection is limited to a reasonable calculation of the funeral director's direct costs, less
18 any and all contributions from any other source. For the purposes of this subsection,
19 "domestic partner" has the same meaning as in section 2710, subsection 2.

20 **SUMMARY**

21 This bill adds spouses and domestic partners to the list of relatives who are
22 potentially responsible for the burial or cremation costs of a person who was eligible to
23 receive municipal general assistance at the time of that person's death. The bill also
24 strikes the provision of law that restricts potentially responsible relatives to persons who
25 live or own property in Maine.