

SENATE No. 48

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to deceased poor and indigent persons.

PETITION OF:

NAME:

Thomas P. Kennedy

DISTRICT/ADDRESS:

Second Plymouth and Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO DECEASED POOR AND INDIGENT PERSONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 117A of the General Laws is hereby amended by striking out section 9 and
2 inserting in place thereof the following section:— Section 9. The department shall provide for the
3 decent final disposition of all deceased persons who are at the time of death recipients of aid or
4 assistance under this chapter, all deceased persons who, although without means of support at the
5 time of death, did not apply for such aid or assistance; and all unknown persons found dead. The
6 expense thereof may be recovered of their kindred, if any, chargeable by law for their support in the
7 manner provided in this chapter; and if the expense of their funeral and final disposition is not paid
8 by such kindred, an amount not exceeding \$1,100 shall be paid by the commonwealth to the funeral
9 establishment; provided further, that the commonwealth shall have the right of reimbursement
10 from whatever resources may exist in the estate of said person.

11 SECTION 2. Said chapter 117A is hereby further amended by striking out section 10 and
12 inserting in place thereof the following section:— Section 10. In case of the decease of a poor
13 and indigent person the commonwealth shall pay toward the expense of the funeral and final
14 disposition of such person a sum not exceeding eleven hundred dollars to the funeral
15 establishment; provided, however, that the commonwealth shall have the right of reimbursement
16 from whatever resources may exist in the estate of said person.

17 SECTION 3. Section 2 of chapter 118 of the General Laws, as appearing in the 2004 Official
18 Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the
19 following paragraph:— “The department may pay a sum not exceeding \$1,100 toward the funeral
20 and final disposition of a recipient to the funeral establishment provided that there are insufficient
21 resources to pay for the cost of such funeral and final disposition. The commonwealth shall have the
22 right of reimbursement from whatever resources may exist in the estate of the recipient.”

23 SECTION 4. Chapter 118A of the General Laws is hereby amended by striking out section 7
24 and inserting in place thereof the following section:— Section 7. The department shall provide to
25 aged and disabled residents of the commonwealth under this chapter a program of social services
26 as enumerated under section 2 of chapter 18. In addition to the other benefits authorized by this
27 chapter, the department may provide to such recipients grants of assistance in cases of fire, flood,
28 or other disaster. The department may pay a sum not exceeding \$1,100 toward the funeral and final
29 disposition of a recipient to a funeral establishment provided that there are insufficient resources
30 to pay for the cost of such funeral and interment. The commonwealth shall have the right of
31 reimbursement from whatever resources may exist in the estate of the recipient.

32 SECTION 5. Section 23 of chapter 119 of the General Laws, as appearing in the 2004 Official
33 Edition is hereby amended by striking out the fifteenth paragraph and inserting in place thereof the
34 following paragraph:—“H. The department may pay a sum not exceeding \$1,100 toward the funeral and
35 final disposition of a child in its care to a funeral establishment provided that there are insufficient
36 resources to pay for the cost of such funeral and final disposition. The commonwealth shall have
37 the right of reimbursement from whatever resources may exist in the estate of the child.”