

SENATE No. 49

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: | DISTRICT/ADDRESS: |
|------------------------|-----------------------------|
| Thomas P. Kennedy | Second Plymouth and Bristol |
| Christine E. Canavan | 10th Plymouth |
| Richard J. Ross | 9th Norfolk |
| Steven C. Panagiotakos | First Middlesex |
| Michael Brady | 9th Plymouth |
| John W. Scibak | 2nd Hampshire |
| Thomas M. McGee | Third Essex and Middlesex |
| Allen J. McCarthy | 7th Plymouth |

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
2 and inserting in place thereof the following section:— Section 9. The department shall provide for
3 the 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
25 to aged and disabled residents of the commonwealth under this chapter a program of social
26 services as enumerated under section 2 of chapter 18. In addition to the other benefits
27 authorized by this chapter, the department may provide to such recipients grants of assistance
28 in cases of fire, flood, or other disaster. The department may pay a sum not exceeding \$1,100
29 toward the funeral and final disposition of a recipient to a funeral establishment provided that
30 there are insufficient resources to pay for the cost of such funeral and interment. The
31 commonwealth shall have the right of reimbursement from whatever resources may exist in the
32 estate of the recipient.

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