SENATE DOCKET, NO. FILED ON: 1/13/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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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 |

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:*

 SECTION 1. Chapter 117A of the General Laws is hereby

 amended by striking out section 9 and inserting in place thereof the

 following section:—

 Section 9. The department shall provide for the decent final dis

 position of all deceased persons who are at the time of death recipe

 ents of aid or assistance under this chapter, all deceased persons

 who, although without means of support at the time of death, did not

 apply for such aid or assistance; and all unknown persons found

 dead. The expense thereof may be recovered of their kindred, if any,

 chargeable by law for their support in the manner provided in this

 chapter; and if the expense of their funeral and final disposition is

 not paid by such kindred, an amount not exceeding $1,100 shall be

 paid by the commonwealth to the funeral establishment; provided

 further, that the commonwealth shall have the right of reimburse

 ment from whatever resources may exist in the estate of said person.

 SECTION 2. Said chapter 117A is hereby further amended by

 striking out section 10 and inserting in place thereof the following

 section:—

 Section 10. In case of the decease of a poor and indigent person

 the commonwealth shall pay toward the expense of the funeral and

 final disposition of such person a sum not exceeding eleven hundred

 dollars to the funeral establishment; provided, however, that the

 commonwealth shall have the right of reimbursement from whatever

 resources may exist in the estate of said person.

 SECTION 3. Section 2 of chapter 118 of the General Laws, as

 appearing in the 2004 Official Edition, is hereby amended by

 striking out the third paragraph and inserting place thereof the

 following paragraph:—

 “The department may pay a sum not exceeding $1,100 toward the

 funeral and final disposition of a recipient to the funeral establish

 ment provided that there are insufficient resources to pay for the cost

 of such funeral and final disposition. The commonwealth shall have

 the right of reimbursement from whatever resources may exist in the

 estate of the recipient.”

 SECTION 4. Chapter 118A of the General Laws is hereby

 amended by striking out section 7 and inserting in place thereof the

 following section:—

 Section 7. The department shall provide to aged and disabled resi

 dents of the commonwealth under this chapter a program of social

 services as enumerated under section 2 of chapter 18. In addition to

 the other benefits authorized by this chapter, the department may

 provide to such recipients grants of assistance in cases of fire, flood,

 or other disaster. The department may pay a sum not exceeding

 $1,100 toward the funeral and final disposition of a recipient to a

 funeral establishment provided that there are insufficient resources

 to pay for the cost of such funeral and interment. The common

 wealth shall have the right of reimbursement from whatever

 resources may exist in the estate of the recipient.

 SECTION 5. Section 23 of chapter 119 of the General Laws, as

 appearing in the 2004 Official Edition is hereby amended by striking

 out the fifteenth paragraph and inserting in place thereof the

 following paragraph:—

 “H. The department may pay a sum not exceeding $1,100 the

 funeral and final disposition of a child in its care to a funeral estab

 lishment provided that there are insufficient resources to pay for the

 cost of such funeral and final disposition. The commonwealth shall

 have the right of reimbursement from whatever resources may exist

 in the estate of the child.”