

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

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**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  
2 amended by striking out section 9 and inserting in place thereof the  
3 following section:—  
4           Section 9. The department shall provide for the decent final dis  
5 position of all deceased persons who are at the time of death recipients  
6 of aid or assistance under this chapter, all deceased persons  
7 who, although without means of support at the time of death, did not  
8 apply for such aid or assistance; and all unknown persons found  
9 dead. The expense thereof may be recovered of their kindred, if any,  
10 chargeable by law for their support in the manner provided in this  
11 chapter; and if the expense of their funeral and final disposition is  
12 not paid by such kindred, an amount not exceeding \$1,100 shall be  
13 paid by the commonwealth to the funeral establishment; provided  
14 further, that the commonwealth shall have the right of reimbursement  
15 from whatever resources may exist in the estate of said person.  
16  
17           SECTION 2. Said chapter 117A is hereby further amended by  
18 striking out section 10 and inserting in place thereof the following

19 section:—

20 Section 10. In case of the decease of a poor and indigent person  
21 the commonwealth shall pay toward the expense of the funeral and  
22 final disposition of such person a sum not exceeding eleven hundred  
23 dollars to the funeral establishment; provided, however, that the  
24 commonwealth shall have the right of reimbursement from whatever  
25 resources may exist in the estate of said person.

26

27 SECTION 3. Section 2 of chapter 118 of the General Laws, as  
28 appearing in the 2004 Official Edition, is hereby amended by  
29 striking out the third paragraph and inserting in place thereof the  
30 following paragraph:—

31 “The department may pay a sum not exceeding \$1,100 toward the  
32 funeral and final disposition of a recipient to the funeral establish  
33 ment provided that there are insufficient resources to pay for the cost  
34 of such funeral and final disposition. The commonwealth shall have  
35 the right of reimbursement from whatever resources may exist in the  
36 estate of the recipient.”

37

38 SECTION 4. Chapter 118A of the General Laws is hereby  
39 amended by striking out section 7 and inserting in place thereof the  
40 following section:—

41 Section 7. The department shall provide to aged and disabled resi  
42 dents of the commonwealth under this chapter a program of social  
43 services as enumerated under section 2 of chapter 18. In addition to  
44 the other benefits authorized by this chapter, the department may  
45 provide to such recipients grants of assistance in cases of fire, flood,  
46 or other disaster. The department may pay a sum not exceeding  
47 \$1,100 toward the funeral and final disposition of a recipient to a  
48 funeral establishment provided that there are insufficient resources  
49 to pay for the cost of such funeral and interment. The common  
50 wealth shall have the right of reimbursement from whatever  
51 resources may exist in the estate of the recipient.

52

53 SECTION 5. Section 23 of chapter 119 of the General Laws, as  
54 appearing in the 2004 Official Edition is hereby amended by striking  
55 out the fifteenth paragraph and inserting in place thereof the  
56 following paragraph:—

57 “H. The department may pay a sum not exceeding \$1,100 the  
58 funeral and final disposition of a child in its care to a funeral estab  
59 lishment provided that there are insufficient resources to pay for the  
60 cost of such funeral and final disposition. The commonwealth shall  
61 have the right of reimbursement from whatever resources may exist  
62 in the estate of the child.”

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