

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 9, 2001.

The committee on Human Services and Elderly Affairs, to whom were referred the petition (accompanied by bill, House, No. 1769) of David T. Donnelly, Martin J. Walsh, John A. Hart, Jr., Eugene L. O'Flaherty and Kevin W. Fitzgerald for legislation to increase the amount of money allowed for certain burial expenses, and the petition (accompanied by bill, House, No. 2912) of Daniel E. Bosley for legislation to increase the amount of money payable for burial expenses by the Department of Transitional Assistance, reports recommending that the accompanying bill (House, No. 4316) ought to pass.

For the committee,

ANTONIO F. D. CABRAL.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT INCREASING THE AMOUNT OF MONEY ALLOWED FOR CERTAIN BURIAL EXPENSES.

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. Section 130 of chapter 6 of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended in
3 line 21 thereof by striking the words “eleven hundred dollars” and
4 inserting in place thereof the words:— “two thousand dollars”;
5 and by striking in lines 22 and 23 thereof the words “fifteen hun-
6 dred dollars” and inserting in place thereof the words:— “three
7 thousand dollars”. The cost of such funeral and burial shall
8 include payment for a suitable grave marker bearing the dece-
9 dent’s name and dates of birth and death, if known.

1 SECTION 2. Section 9 of chapter 117A of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 striking out the third sentence and inserting in place thereof the
4 following sentence:— The expense thereof may be recovered
5 from family or relatives, if any, of the deceased who are respon-
6 sible by law for their financial support in the manner provided in
7 this chapter. If no payment is made by the family or relatives,
8 funeral payments shall be made, provided however, that the total
9 expense of the funeral and burial shall not exceed three thousand
10 dollars, including the grave marker. Payments made by the depart-
11 ment shall be reduced by resources that may exist in the estate of
12 the deceased person.

1 SECTION 3. Chapter 117A of the General Laws, as appearing
2 in the 1998 Official Edition, is hereby amended by striking out
3 section 10 and inserting in place thereof the following section:—
4 Section 10. In case of the decease of a poor and indigent
5 person, the commonwealth shall pay for the expense of the funeral

6 and burial of such person a sum not exceeding “two thousand dol-
7 lars”, provided that the total expense of the funeral does not
8 exceed “three thousand dollars”. The cost of the funeral and burial
9 shall include payment for a suitable grave marker bearing the
10 decedent’s name and dates of birth and death, if known. The pay-
11 ment by the commonwealth shall be reduced by whatever
12 resources may exist in the estate of said person. The funeral
13 director engaged in conducting the funeral and burial of said
14 deceased person shall perform the following services and prepara-
15 tions: removal of the body, procuring of death certificate and
16 burial permit; embalming and dressing of the body; furnishing
17 suitable burial garment, a suitable casket, a metal plate bearing the
18 name of the deceased, the outer casing of pine wood, furnishing
19 the hearse for transporting the body of the deceased to the ceme-
20 tery, furnishing the conveyance for transporting the immediate
21 family of the deceased, if any, procuring a member of the clergy
22 of the religion that the deceased professed, to officiate at the
23 funeral; procuring a burial place, opening the grave, obtaining the
24 use of interment devices, and, notwithstanding any general or
25 special law to the contrary, procurement and placement on the
26 grave of an appropriate marker.

1 SECTION 4. Section 2 of chapter 118 of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended in line
3 29 by striking the words “eleven hundred dollars” and inserting in
4 place thereof the words:— “two thousand dollars”; and by striking
5 in line 31 thereof the words “fifteen hundred dollars” and
6 inserting in place thereof the words:— “three thousand dollars”.
7 The cost of the funeral and burial shall include payment for a suit-
8 able grave marker bearing the decedent’s name and dates of birth
9 and death, if known.

1 SECTION 5. Section 7 of chapter 118A of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended in lines
3 6 and 7 by striking the words “eleven hundred dollars” and
4 inserting in place thereof the words:— “two thousand dollars”;
5 and by striking in line 9 the words “fifteen hundred dollars” and
6 inserting in place thereof the words:— “three thousand dollars”.
7 The cost of such funeral and burial shall include payment for
8 the grave marker.

1 SECTION 6. Subsection H of section 23 of chapter 119 of the
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended in lines 101 and 102 by striking the words “eleven hun-
4 dred dollars” and inserting in place thereof the words:— “two
5 thousand dollars”; and by striking in line 103 thereof the words
6 “fifteen hundred dollars” and inserting in place thereof the
7 words:— “three thousand dollars”. The cost of the funeral and
8 burial shall include payment for a suitable grave marker, bearing
9 the decedent’s name and dates of birth and death, if known.

1 SECTION 7. Section 25 of chapter 118E, as appearing in the
2 1998 Official Edition, is hereby amended by striking subsection 5
3 and inserting in place the following:— funds, up to a maximum of
4 twenty-five hundred dollars deposited in a trust account and
5 reserved for the payment of funeral and burial expenses including,
6 but not limited to, the purchase of a plot, the opening of the grave,
7 the fee for religious services performed, and the monument
8 inscription; the cash surrender value of burial insurance, so called;
9 or prepaid irrevocable burial contracts, so called.