

GENERAL ASSISTANCE BURIAL/CREMATION PROCESS

GA is a state mandated, municipally administered financial assistance program. It was designed to be the program of “last resort” for residents of the community who are unable to provide for their basic needs. Basic needs are defined as Shelter/Rent, Utilities, and Medical & Food.

There are responsibilities relative to burial & cremation on both the General Assistance Administrator side and the Funeral Director’s side. Regarding the Funeral Director’s responsibilities: State law requires the funeral director to notify the GA administrator prior to burial or cremation or by the end of the next business day following the funeral director’s receipt of the body, whichever is earlier. Municipalities may choose to institute a written notification policy – one which would require funeral directors to provide such notice in writing. Funeral Directors may contact me in writing via email: hdeah@westbrook.me.us or please feel free to call me directly at 854-0676 to discuss the situation & set up an appointment to meet with the funeral representative & your client, if need be.

When a funeral director is requesting GA to pay for a burial or cremation and the GA administrator does not receive prior notice and thus has no opportunity to approve the expenses, the municipality has no legal obligation to pay the bill.

Prior to a meeting, the funeral director is to make an effort to identify the availability of resources to pay for the burial or cremation; including: a description of the deceased’s estate to the extent it is known; the names and addresses of the legally liable relatives (grandparents, parents, children and grandchildren of the deceased who live or own property in Maine); the potential eligibility for burial or cremation benefits such as Veterans’ or Social Security burial benefits; and burial contributions offered from any other resources, such as a local church group or friends of the deceased. With regard to the financial capacity of legally liable relatives, it should be emphasized that the test to be applied is one of capacity to contribute financially, not the willingness to do so. Liable family members are defined as those who live or own property in Maine and who have sufficient income to pay for the burial or cremation in lump sum payment or by a reasonable installment arrangement.

It is not expected that the funeral director has all this information at the time of initial contact. Since the funeral director must make an initial request to the GA Administrator within the next business day after receipt of the body, the funeral director has an interest in contacting the municipality whenever he or she suspects that there will not be enough money to completely cover burial/cremation costs. The city will work with the funeral director to determine if general assistance would be the right route to pursue.

If deemed eligible, municipalities are responsible for paying the direct burial or cremation expenses, up to the ordinance maximums, of anyone who dies leaving no money or assets to pay the burial expenses and who has no liable relatives who are financially able to pay the burial or cremation costs. (§ 4313).

(§ 4313). Maine State Statutes ** Title 22 Health & Welfare 2. Burial or cremation. In the event of the death of an eligible person, the funeral director shall notify the overseer prior to burial or cremation or by the end of the next business day following the funeral director’s receipt of the body, whichever is earlier. Notwithstanding section 4305, subsection 3, paragraph C, a decision on any application for assistance with burial expenses need not be rendered until the overseer has verified that no relative or other resource is available to pay for the direct burial or cremation costs, but the decision must be rendered within 8 days after receiving an application. The father, mother, grandfather, grandmother, children or grandchildren, by consanguinity, living within or owning real or tangible property within the State, are responsible for the burial or cremation costs of the eligible person in proportion to their respective abilities. When no legally liable relative possesses a financial capacity to pay either in lump sum or on an installment basis for the direct costs of a burial or cremation, the contribution of a municipality under this subsection is limited to a reasonable calculation of the funeral director’s direct costs, less any and all contributions from any other source. [2007, c. 411, §1 (AMD).]

GA costs are paid by the taxpayer’s dollars and GA costs are reimbursed by the State at a 70% rate.

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