

LONG PLAIN FIRST NATION

FUNERAL AND BURIAL COVERAGE BY-LAW

DRAFT: MAY 16, 2019

TABLE OF CONTENTS

1.0	TITLE	3
2.0	DEFINITIONS:	4
3.0	INTERPRETATION	7
	Paramount	7
	Application of By-Law	7
4.0	INTERMENT RIGHTS	7
	Disorderly Conduct and Nuisance.....	9
6.0	FUNERAL MERCHANDISE AND SERVICES	9
	Notice of Interment	9
	Rights of Disposition	10
	Family Support Workers	11
	Immediate Family Group On-Reserve.....	11
	Immediate Family Group Off-Reserve	11
7.0	FUNERAL TRAVEL EXPENSE	12
	In Province	12
	Out of Province	12
	Air Travel for Two “Immediate Family Group” Long Plain First Nation Tribal Citizens only.....	13
8.0	OTHER FINANCIAL SOURCES	13
9.0	PUBLICATION OF BY-LAW	14
10.0	UNENFORCEABLE PROVISION	14
11.0	COMING INTO FORCE	14
12.0	ADOPTION AND ENACTMENT	14

DECLARATION OF PRINCIPLES

The tribal government of Long Plain First Nation in the discharge of their responsibilities declares that the fundamental principles guiding the provision of this Funeral and Memorial Coverage By-law are:

1. The care and preparation of the deceased and the arrangements necessary for their interment or cremation;
2. Supplies and services incidental to the services referred to herein;
3. The coordination and provision of bereavement rites or ceremonies at a Wake, Funeral or Cemetery.
4. A monetary contribution for attendance of a Long Plain First Nation immediate family group at a Wake and/or Funeral for their deceased Long Plain First Nation tribal citizen as set out herein.

In furtherance of these principles, the Long Plain First Nation Tribal Government, in Council assembled, asserts that:

Whereas, our traditional teachings speak of the obligation to care for and respect the land;

Whereas, the authority to govern our lands and resources flows from the Creator to the tribal citizens of Long Plain First Nation, and from the tribal citizens to the Chief and Council according to our culture, traditions, customs and laws;

Therefore be it Resolved, the Long Plain First Nation Tribal Government renews their responsibility, and declares:

1.0 TITLE

This by-law shall be cited as the *“Long Plain First Nation Funeral and Burial Coverage By-law”*.

2.0 DEFINITIONS:

In this by-law:

“Adoption” means adopted persons, adoptive families, and birth families, permanent families including kinship, customary, legal guardianship and adoption who is a registered tribal citizen of Long Plain First Nation.

“Burial” means an in ground lot or plot for burial or the permanent placement of the deceased;

“Cemetery” means designated land on Long Plain First Nation No. 6 set apart by the Tribal Government to be used as a place for burial or the permanent placement of the deceased;

“Community Land” means any Long Plain First Nation land in which all LPFN tribal citizens have a common interest.

“Corner posts” means any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.

“Council” means the Chief and Council of Long Plain First Nation, and any successor tribal government of Long Plain First Nation.

“Cremated Remains” also known as “ashes” are the material that remains after a body has been cremated;

“Deceased” includes cremated human remains;

“Funeral Home” means a licensed facility or establishment, by whatever name called, offering or providing funeral merchandise or services to Long Plain First Nation;

“Funeral Home License” means a license to operate a funeral home issued pursuant to the *Manitoba Embalmers and Funeral Directors Act*;

“Funeral Merchandise or Services” means the services offered or performed by a funeral director or embalmer incidental to the arrangements, care and preparation of the deceased for burial or cremation;

"**Grave**" also known as a plot, means any in ground burial space intended for the interment of the deceased;

"**Immediate Family Group**" means a spouse, common-law spouse, a parent, father and/or mother-in-law, common-law father and/or common-law mother, grandparent, grandchild/ren, great-grandchildren, daughter, son, sister, or brother who are registered Long Plain First Nation tribal citizens;

"**Interment**" means, the act of placing the deceased in a grave or burial plot;

"**Interment Rights**" means the right to require or direct the interment of the deceased in a grave or burial plot;

"**Land Authority**" means the administrative body established to manage, protect, use and possession of lands under the Long Plain First Nation Land Code;

"**Long Plain First Nation**" or "**LPFN**" means, the tract of land set apart by Her Majesty for the use and benefit of Long Plain First Nation #287 and shall include *Long Plain First Nation Reserve No.6, Long Plain First Nation No.6 Keeshkeemaquah Reserve, Long Plain First Nation Madison Reserve No. 1*, and any other Long Plain First Nation land now acquired or in future is purchased or settled by a land claim;

"**Memorial**" means a cenotaph, marker, monument, headstone, footstone, plaque, tablet or plate marking a grave and includes an inscription of lettering or ornamentation, or both, on or on the front of a space within;

"**Monument**" means a permanent memorial structure or Spirit House or Prayer House projecting above the ground installed within the designated space to mark the location of a burial plot.

"**On-reserve**" In this by-law refers to those tribal citizens residing on *Long Plain First Nation Reserve No.6, Long Plain First Nation No.6 Keeshkeemaquah Reserve*, and shall include any other Long Plain First Nation land acquired or in future is purchased or settled by a land claim;

“Off-reserve” refers to those tribal citizens not residing on *Long Plain First Nation Reserve No.6, Long Plain First Nation No.6 Keeshkeemaquah Reserve*, and shall include any other Long Plain First Nation land acquired by purchase or acquired or in future is purchased or settled by a land claim;

“Plot” in this by-law means a portion of land containing permanent placement of human remains;

“Receipts” for funeral expenses to be provided (include within the by-law and application form)

“Scattering Ashes of the Deceased” means, the act of scattering the cremated remains or ashes of the deceased as an act of remembrance;

“Spouse” means a person who is in a marital relationship with a Long Plain First Nation tribal citizen, whether by traditional, religious, civil ceremony or common law marriage/partnership.

“Tribal Citizen” refers to individuals that are registered to Long Plain First Nation under the *Long Plain First Nation Tribal Citizenship Code or Long Plain First Nation Band Membership List*;

“Tribal Government” means the duly elected, *“Chief and Council”* or *“Council in Assembly”* as defined in the *Long Plain First Nation Tribal Constitution*.

3.0 INTERPRETATION

Paramount

- 3.1 Where a provision of this By-Law is expressed in the present, future, or in the past tense, the provision applies to the circumstances as they arise. Any section of this By-Law, including any schedules, may be amended from time-to-time, adopted by Council in Assembly; and approved in accordance with the Long Plain First Nation Tribal Constitution.

Application of By-Law

- 3.2 If there is an inconsistency between this by-law and any other enactment of Long Plain, the *Long Plain First Nation Tribal Constitution* prevails to the extent of the inconsistency.
- 3.3 As defined by and pursuant to the *Long Plain First Nation Tribal Constitution*, this By-Law shall form and be part of and applicable to Long Plain First Nation:
- a. Tribal Constitution
 - b. Tribal Governance Code
 - c. Tribal Citizenship Code
 - d. Other laws, policy, acts, by-laws or regulations ratified by the Tribal Government and/or by tribal citizen referendum.

4.0 INTERMENT RIGHTS

- 4.1 Long Plain First Nation prohibits the sale of Interment Rights (to require or direct the interment of the deceased in a grave or burial plot) and therefore the tribal government is not authorized to purchase Interment Rights.
- 4.2 Long Plain First Nation tribal citizens or a family group acquire only the right to direct the burial of the deceased of a Long Plain First Nation tribal citizen in a grave or burial plot and the full payment of installation of monuments, markers, inscriptions, foundations, associated memorialization, spirit house, prayer house, monument dealers or contractors.

4.3 All installations of monuments and markers and their foundations, Spirit House, Prayer House, by monument dealers or contractors shall be arranged and paid for by the Long Plain First Nation immediate family group.

4.4 For greater certainty Long Plain First Nation shall not be held liable for any cost-estimates, portion of payment or non-payment of monuments, markers, inscriptions, foundations, associated memorialization, Spirit House, Prayer House, monument dealers or contractors.

Note: in the expense application form/schedule, refer to this section 4.4

4.5 Long Plain First Nation shall not be held liable for any loss or damage from causes beyond their control and especially from damage caused by the elements, and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral, to any lot, plot, corner post, monument, marker, spirit house, save and except for direct loss or damage caused by gross negligence of the Long Plain First Nation.

4.6 Long Plain First Nation shall take reasonable precautions to protect the cemetery properties of Long Plain First Nation but assumes no liability or responsibility for the loss of, damage to any article or any type that is placed on any lot or plot.

5.0 APPLICATION FOR FUNERAL EXPENSES

5.1 To ensure the bereaved immediate family group has financial resources to act upon a proper funeral and burial or attend a funeral, an application for a funeral expense shall be signed, in writing and shall set out:

- a. The deceased is a Long Plain First Nation tribal citizen; and the applicant is an immediate family group member;
- b. The date, full name, treaty number and signature of the immediate family group' applicant;

- c. The full name, treaty number of the deceased Long Plain First Nation tribal citizen shall be documented on the application for funeral expense.

Disorderly Conduct and Nuisance

- 5.2 A Long Plain First Nation tribal citizen or their immediate family group of the deceased who is:

... Being rude ... swearing ... threatening ... badgering
... intimidating ... bullying ... harassing

either in person or by phone or text or email or social media, will cause an automatic denial of request for a expense.

- 5.3 For greater certainty, the Long Plain First Nation *Disorderly Conduct and Nuisance By-Law* or Criminal Code of Canada shall be applied.

6.0 FUNERAL MERCHANDISE AND SERVICES

- 6.1 Funeral Merchandise or Services means the services offered or performed by a funeral director or embalmer incidental to the arrangements, care and preparation of the deceased Long Plain First Nation tribal citizen for burial or cremation.

- 6.2 Long Plain First Nation shall not be held responsible for any errors made for any funeral arrangements made over the phone or text or social media or by third party. These arrangements shall be the sole responsibility of the applicant and shall be made in writing or by e-mail or in person.

Notice of Interment

- 6.3 Notice of each interment to be made shall be given to Long Plain First Nation at least twenty four (24) hours in advance. Long Plain First Nation shall not be held responsible for having plots prepared for funerals unless such notice is given.

- 6.4 Long Plain First Nation will be responsible for the opening and closing of the grave site.

- 6.5 McKenzie’s Portage Funeral Chapel provides Long Plain First Nation tribal citizens with the following funeral merchandise and services:
- a. A Casket upgrade for interment or cremation
 - b. Guest Book and portfolio
 - c. 200 small or 150 large service folders
 - d. An 8 x 10 photo in a frame
 - e. Use of greens and device at the cemetery
 - f. Radio announcement on Rez Radio 101.7 FM
 - g. Drum group or gospel musicians
 - h. Leadership or Officiator

6.6 Other Funeral Homes

Where a different funeral home is used for the arrangements, care and preparation of the deceased for burial or cremation the maximum cost of the funeral merchandise and services shall not exceed the rate offered by McKenzie’s Portage Funeral Chapel.

- 6.7 For greater certainty, the immediate family group shall be responsible for expenses over and above the rate offered by McKenzie’s Portage Funeral Chapel, including the burial plot.

Rights of Disposition

- 6.8 It is recommended that a hierarchy exist for the disposition of the deceased when an “immediate family group” member who is a Long Plain First Nation tribal citizen passes away:
- a. The personal representative named in the Will of the deceased or a representative appointed by the immediate family group;
 - b. The spouse of the deceased;
 - c. A parent of the deceased;
 - d. an adult child of the deceased (eldest first);
 - e. An adult grandchild of the deceased;
 - f. An adult sibling of the deceased;
 - g. An adult next of kin of the deceased;
 - h. If the deceased was a minor, a person who was a guardian who had care and control of the deceased at the date of death.

Family Support Worker

- 6.9 Interprets the meaning of information for others — explaining and assisting with the completion of **INAC Administrator form** and how it can be used.

Immediate Family Group On-Reserve

- 6.10 A maximum funeral expense claim shall not exceed \$1,200.00 (one thousand two hundred dollars) per “immediate family group” for funeral merchandise and services not covered by the funeral home for a deceased “immediate family group” member who is a Long Plain First Nation tribal citizen residing on reserve. Funeral merchandise and services inclusive in a funeral expense claim (Schedule “A”) require receipts and include:
- a. flower Spray on the casket
 - b. preparation and purchase of clothing, moccasins, and blanket for the deceased, if applicable
 - c. purchase and preparation of food for the Wake and/or funeral service
 - d. tobacco for the Wake and/or funeral service, if applicable
 - e. firewood, if applicable
 - f. Monuments, markers, inscriptions, foundations, Spirit House, Prayer House, associated memorialization, monument dealers or contractors.

Immediate Family Group Off-Reserve

- 6.11 A maximum funeral expense claim shall not exceed \$1,200.00 (one thousand two hundred dollars) to an “immediate family group” for funeral merchandise and services not covered by the funeral home for an “immediate family group” member who is a Long Plain First Nation tribal citizen residing off-reserve. Funeral merchandise and services inclusive in a funeral expense claim (Schedule “A”) require receipts and include:
- a. flower spray on the casket
 - b. preparation and purchase of clothing, moccasins, and blanket for the deceased, if applicable
 - c. leadership of services
 - d. purchase and preparation of the food for the Wake and/or funeral service
 - e. tobacco, if applicable

- f. drum group or gospel musicians, if applicable
- g. hall rental, if applicable
- h. Burial plot
- i. Monuments, markers, inscriptions, foundations, Spirit House, Prayer House, associated memorialization, monument dealers or contractors.

6.11 If the deceased is an unborn child under 30 weeks, the maximum expense is \$200.00 (two hundred dollars) for the immediate family group.

6.12 If the deceased is an unborn child over 30 weeks development, the maximum expense is \$600.00 (six hundred) for the immediate family group.

7.0 FUNERAL TRAVEL EXPENSE

For greater certainty, travel is only provided for Long Plain First Nation tribal citizens who are “immediate family group” members of the deceased Long Plain First Nation tribal citizen as provided herein:

In Province

7.1 For in province travel, a one-time per “immediate family group” expense shall not exceed \$200.00 (two hundred dollars) per vehicle with a maximum of two (2) vehicles per “immediate family group” for a deceased “immediate family group” member who is a Long Plain First Nation tribal citizen.

Out of Province

7.2 For out of province travel, a one-time per “immediate family group” expense shall be:

- a. equivalent to airfare return rate with a maximum of two (2) vehicles per immediate family group for a deceased “immediate family group” member whose is a Long Plain First Nation tribal citizen;
- or
- b. use of a band-owned vehicle with maximum expense not exceed to \$200.00 (two hundred) for the driver to purchase fuel/gas.

- c. For greater certainty, the driver shall not be paid a per diem or payment for deductible if involved in a vehicle accident.
- d. Long Plain First Nation shall not pay for any rental vehicles.

Travel for Two “Immediate Family Group” Long Plain First Nation Tribal Citizens only

7.3 A one-time “immediate family group” member expense claim for out-of-province travel for two “immediate family group” members who are Long Plain First Nation tribal citizens to attend a funeral for a deceased “immediate family group” member who is a Long Plain First Nation tribal citizen:

- a. Return air travel; and
- b. A maximum expense of \$400.00 (four hundred dollars) will apply for meals and hotel or private accommodations. Corporate rates shall apply.
- c. For greater certainty, a **First Nation owned credit card** shall only be used for hotel reservation confirmation. The immediate family group member shall be responsible for the full payment of the hotel expenses and damage deposit.

8.0 OTHER FINANCIAL SOURCES

8.1 Notwithstanding the maximum funeral expense from Long Plain First Nation, the immediate family group of the deceased immediate family group member shall seek other financial sources incidental to the arrangements, care and preparation of the deceased for burial or cremation, and memorialization:

- a. Within their own immediate family group/clan;
- b. The deceased’s First Nation or community or immediate family group;
- c. Provincial and Federal agencies, Social Services, Veterans Affairs, Old Age Security, Child and Family Services, Life Insurance and other death benefits.

9.0 PUBLICATION OF BY-LAW

The Council shall publish a copy of this by-law on the Long Plain First Nation internet website, at Long Plain First Nation entities/businesses, and with general home delivery circulation on reserve.

10.0 UNENFORCEABLE PROVISION

In the event that any provision(s) contained herein shall be held by a court of competent jurisdiction to be unenforceable or void in law then this *Long Plain First Nation Funeral and Burial Coverage By-Law* shall be read and construed as if it did not contain the particular provision(s) and the remainder of this by-law shall not be affected thereby.

11.0 COMING INTO FORCE

This By-law shall come into force on the day of its final passing.

Read a first time this 27th day of November 2018.

Read a second time this 29th day of November 2018.

Read a third time and finally passed this ___ day of May 2019.

12.0 ADOPTION AND ENACTMENT

The LPFN Tribal Government duly adopt, ratify and enact the foregoing *Long Plain First Nation Cemetery and Funeral By-Law* at a duly convened meeting held at the Long Plain First Nation Tribal Government Office on ___ May 2019 by a vote of ___ for, ___ against and ___, abstention/s, a quorum being present.

PASSED and ENACTED, on this ___ day of May 2019 at Long Plain First Nation.

Chief Dennis Meeches

Councillor Marvin Daniels

Councillor Liz Merrick

Councillor James Assiniboine

Councillor Stephen Prince