

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1178

H.P. 783

House of Representatives, March 20, 2025

**An Act to Expedite the Process Involving Municipalities That
Illegally Move a Person to Avoid Responsibility for General
Assistance Support**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SALISBURY of Westbrook.
Cosponsored by Representatives: CLOUTIER of Lewiston, MOONEN of Portland, ROEDER
of Bangor.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §4307, sub-§5**, as corrected by RR 2009, c. 2, §59, is amended
3 to read:

4 **5. Disputes between municipalities.** ~~Nothing in this~~ This section may not permit a
5 municipality to deny assistance to an otherwise eligible applicant when there is any dispute
6 regarding residency. In cases of dispute regarding which municipality is the municipality
7 of responsibility, the municipality where the application has been filed shall provide
8 support until responsibility has been determined by the department. ~~The municipality filing~~
9 the dispute must be reimbursed for the general assistance for the person who was moved
10 within 10 days of filing. ~~The department shall make a written determination within 30~~ 15
11 working days of a complaint or notification of a dispute. The department's decision must
12 include the sources of information relied upon, findings of fact and conclusions of law
13 regarding which municipality is responsible and the reimbursement due, if any, from the
14 responsible municipality to the municipality providing assistance. ~~The department shall~~
15 immediately notify both municipalities in dispute after the department's decision is made.
16 If after 30 within 15 days after notice by the department the reimbursement has not been
17 paid, the municipality to which reimbursement is due shall notify the department, the
18 department shall credit the municipality owed the reimbursement and ~~either~~ deduct that
19 amount from the debtor municipality ~~or~~ and refer the bill to the Treasurer of State for
20 payment from any taxes, revenue, fines or fees due from the State to the municipality. A
21 reimbursement amount outstanding after 15 days accrues interest at a rate of 6% per annum
22 on the amount owed by the debtor municipality until the amount is fully paid. A
23 municipality found in violation of subsection 1 more than once within a 12-month period
24 is subject to a penalty of up to \$10,000, enforceable by the Attorney General, and must
25 undergo a compliance audit by the department, the expense of which must be paid by the
26 municipality.

27 **Sec. 2. 22 MRSA §4307, sub-§5-A** is enacted to read:

28 **5-A. Rebuttable presumption.** If a person is moved from one municipality to another
29 in apparent violation of this section, there is a rebuttable presumption that the municipality
30 that moved the person is in violation of this section.

31 **Sec. 3. 22 MRSA §4307, sub-§6**, as enacted by PL 1987, c. 349, Pt. H, §15, is
32 amended to read:

33 **6. Appeals.** Any municipality or person who is aggrieved by any decision or action
34 made by the department pursuant to this section ~~shall have~~ has the right to appeal pursuant
35 to the Maine Administrative Procedure Act, Title 5, chapter 375. A request for that appeal
36 ~~shall~~ must be in writing and ~~shall~~ must be made within 30 days of the written department
37 decision. The appeal ~~shall~~ must be held within 30 15 days of receipt of that request and
38 ~~shall~~ must be conducted by one or more fair hearing officers. ~~In no event may an~~ An appeal
39 may not be held before a person or body responsible for the decision or action. Review of
40 any decision under this subsection ~~shall~~ must be pursuant to the Maine Rules of Civil
41 Procedure, Rule 80C.

42 **Sec. 4. 22 MRSA §4307, sub-§7** is enacted to read:

43 **7. Report.** Beginning January 1, 2026, the department shall publish an annual report
44 listing all municipalities found in violation of this section for the preceding year, the

1 number of violations, amounts reimbursed and enforcement actions taken under this
2 section. The department shall make the report publicly available and submit the report to
3 the joint standing committee of the Legislature having jurisdiction over municipal matters.

4 **SUMMARY**

5 This bill decreases from 30 to 15 working days the period for the Department of Health
6 and Human Services to determine if a municipality has illegally moved an individual to
7 avoid responsibility for general assistance support. The bill reduces the appeals period
8 from 30 to 15 days after the determination is made. The bill also provides for interest on
9 unreimbursed amounts to be paid by the offending municipality and a penalty of up to
10 \$10,000 for a repeat violation within a 12-month period and creates the rebuttable
11 presumption that if a municipality moves a person to another municipality, the municipality
12 did so to avoid paying general assistance to that person.