

# MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

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Legislative Document

No. 1029

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H. P. 1863

House of Representatives, April 12, 1937.

Reported by Mr. Payson from Committee on Pensions and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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**AN ACT to Provide for Old Age Assistance.**

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

**Sec. 1. Department of health and welfare to administer old age assistance.** The department of health and welfare shall administer the carrying out and enforcement of the provisions of law relating to old age assistance. It is hereby empowered to employ such assistants as may be necessary to carry out the provisions of this act, and to co-ordinate their work with that of the other social welfare work of the department.

**Sec. 2. Definition.** The word "department" wherever hereinafter used shall be construed to mean the department of health and welfare.

**Sec. 3. Old age assistance provided for.** Subject to the qualifications and restrictions contained in this act, every person residing in this state shall be entitled to assistance in old age. The amount of assistance which any person shall receive shall be determined on a budgetary basis with due regard to the conditions existing in each case and in accordance with the rules and regulations made by the department. This assistance shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health, but not exceeding \$30 per month. No person receiving assistance under this act shall be deemed a pauper.

**Sec. 4. Requisites for assistance.** Old age assistance shall be granted only to an applicant who

(a) Is 65 years of age or more ;

(b) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health ;

(c) Has resided in the state for 5 or more years within the 9 years immediately preceding application for assistance and has resided therein continuously for 1 year immediately preceding the application ;

(d) Is not an inmate of and is not being maintained by any municipal, state, or national institution ; but an inmate of such an institution may file application for assistance under this act, and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution ;

(e) Has no spouse able to support him ;

(f) Has no child or children able to support him.

**Sec. 5. Change of status of person assisted.** If the recipient of old age assistance or his spouse becomes possessed of any property or any income in addition to the amount stated in his application, it shall be his duty immediately to notify the department of such fact.

**Sec. 6. Penalty for felony by person assisted.** Any recipient of old age assistance who is convicted of a felony shall be disqualified from receiving old age assistance.

**Sec. 7. Funeral expenses of person assisted.** On the death of a recipient, reasonable funeral expenses not exceeding \$100 shall be paid by the state if the estate of the deceased is insufficient to pay the same.

**Sec. 8. Assistance may be paid to a guardian or conservator.** If the recipient of assistance is, on the testimony of reputable citizens, found by the department to be incapable of taking care of himself or his money, the department after due investigation, may pay the same to a legally appointed guardian or conservator for his benefit.

**Sec. 9. Inalienability of assistance.** All rights to assistance shall be absolutely inalienable by any assignment, sale, execution, pledge or otherwise, and shall not pass, in case of insolvency or bankruptcy, to any trustee, assignee or creditor.

**Sec. 10. Disqualification of applicant.** Any applicant for old age assistance who divests himself directly or indirectly of any property for the purpose of qualifying for such assistance shall forfeit all right to receive old age assistance under this act.

**Sec. 11. Claims against estate of person assisted.** Upon the death of a beneficiary, the state shall have a claim against his estate, enforceable in the probate court, for all amounts paid to him under the provisions of this act. Such claim shall have priority over all unsecured claims against such estate, except (1) administrative expenses, including probate fees and taxes, and (2) expenses of the last sickness and burial expenses. The attorney general shall collect any claim which the state may have hereunder against such estate. Provided, that no such claim shall be enforced against any real estate while it is occupied as a home by the surviving spouse of the beneficiary if such spouse is eligible for old age assistance under the provisions of this act or will reach the age of eligibility within five years of the time of death of the beneficiary and does not marry again. If the state participates in federal funds for the purposes of this act, one-half of the net amount collected from the estate of the beneficiary, with respect to old age assistance furnished him, shall be promptly paid by the treasurer of state to the United States as required by the laws of the United States.

**Sec. 12. Penalty for fraud.** Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent devices obtains or attempts to obtain, or aids or abets any person to obtain

(a) Assistance to which he is not entitled;

(b) A larger assistance than that to which he is entitled;

(c) Payment of any forfeited instalment of assistance; and any person who knowingly buys or aids or abets in buying or in any way disposing of the property of a recipient in such a way as to constitute a fraud upon the department shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

**Sec. 13. General penalty.** Any person who violates any of the provisions of this act for which no penalty is specifically provided shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. If a recipient of assistance is convicted of an offense under this section, the department may cancel the assistance.

**Sec. 14. Right of appeal.** Any person who is denied assistance or who is not satisfied with the amount of assistance allotted to him, or is aggrieved by a decision of the department made under any provision of this act, shall have the right of appeal to the commissioner of health and welfare who shall provide the appellant with an opportunity for a fair hearing. Said commissioner or a member of the department designated and authorized by

him shall hear all evidence pertinent to the matter at issue and render a decision thereon within a reasonable period from the date of the hearing; provided, that when the evidence in the case is heard by a person other than the commissioner, the decision shall be rendered in the name of the commissioner.

**Sec. 15. Administration.** All monies made available under this act shall be expended under the direction of the department, and the department is empowered to direct the expenditure therefrom of such sums as may be necessary for the purposes of administration. All assistance granted under this act shall be paid monthly by the state.

**Sec. 16. Acceptance of provisions of federal law.** The department is hereby authorized to

(a) Apply for federal assistance under the provisions of Title I of the Federal Social Security Act (Public No. 271, 74th Congress) and acts additional thereto or amendatory thereof; and to comply with such conditions, not inconsistent with the provisions of this act, as may be required for such assistance.

(b) Make such reports in such form and containing such information as the federal government may from time to time require, and comply with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of such reports.

**Sec. 17. Federal grants.** The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of old age assistance and administration thereof, as contemplated by Title I of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department.

**Sec. 18. Appropriation.** For the purpose of carrying out the provisions of this Act, there is hereby appropriated from the funds of the State the sum of \$2,000,000 for the fiscal year ending June 30, 1938 and the sum of \$2,000,000 for the fiscal year ending June 30, 1939.

**Sec. 19. Saving clause.** The unconstitutionality of any section or provision of this act shall not invalidate the remainder of the act.

**Sec. 20. P. L., 1933, c. 267, repealed.** Chapter 267 of the public laws of 1933 is hereby repealed.

**Sec. 21. Effective date.** This act shall take effect on August 1, 1937.