

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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

Legislative Document

No. 1585

H. P. 1316

House of Representatives, September 21, 1954

Received out of order and under suspension of the rules. Referred to the Committee on Welfare. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Clements of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FOUR

AN ACT Relating to Aid to the Disabled.

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

Sec. 1. Definition. The words "aid to the disabled" mean money payments to, or medical care in behalf of or any type of remedial care in behalf of, needy individuals 18 years of age or older who are permanently and totally disabled, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution, except as a patient in a medical institution, or any individual who is a patient in an institution for tuberculosis or mental disease, or who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof.

Sec. 2. Department to administer aid to the disabled. The department of health and welfare shall administer the law relating to aid to the disabled and may make rules and regulations necessary to the administration thereof. It is empowered to employ, subject to the provisions of the personnel law, such assistants as may be necessary to carry out the provisions of this act, and to coordinate their work with that of the other social welfare work of said department. All aid granted under the provisions of said act shall be paid monthly by the state. The amount of aid 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 of said department. This aid 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 \$55 per month. Whenever the federal matching maximum is changed the department may change the maximum grant with the approval of the governor and council.

Sec. 3. Acceptance of provisions of federal law. Said department is authorized to:

I. Apply for federal assistance under the provisions of Title XIV 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 aid.

II. 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. 4. Federal grants. The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of aid to the disabled and administration thereof, as contemplated by Title XIV of the federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by said department.

Sec. 5. Application procedure. Applications for aid to the disabled shall be made to the department on forms provided by the department. The application shall be sworn to by the applicant and shall give full information revealing the income, assets and liabilities of the applicant, together with such other information as the department may require.

An application shall not be considered unless accompanied by an individual sworn statement made on the part of the spouse, parents and each adult child of said applicant residing in the state, and such statements shall include full information revealing individual income, assets and liabilities, provided that if such applicant has previously applied and there are on file with the department any of the necessary sworn statements, then the applicant need only furnish such additional sworn statements as the department may require.

If the applicant is unable to obtain the sworn statement from such spouse,

parents or child as above provided, then upon proof of his inability to do so the department shall determine whether such inability to do so is reasonable, and if it decides that it is reasonable, then the merits of his application may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the applicant under the provisions of section 7.

Sec. 6. Requisites for aid. Aid to the disabled shall be granted only to a person who:

I. Is between 18 and 65 years of age and is permanently and totally disabled as defined in the rules and regulations of the department;

II. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

III. Has resided in the state for 5 or more years within the 9 years, immediately preceding application for aid and has resided therein continuously for 1 year immediately preceding the application;

IV. Is not an inmate of any public institution, except as a patient in a medical institution as provided in section 1; but an inmate of any institution may file application for aid under the provisions of this act and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution;

V. Has no spouse, parents, adult child or children residing in this state and able to support him;

VI. Is not receiving aid to the blind, old age assistance or aid to dependent children.

Sec. 7. Right of appeal. Any person who is denied aid, or who is not satisfied with the amount of aid allotted to him, or is aggrieved by a decision of the department made under any provisions of this act or whose application is not acted upon with reasonable promptness, shall have the right of appeal to the commissioner, who shall provide the appellant with reasonable notice and 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 after 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. 8. Aid may be paid to a guardian or conservator. If an applicant for or a recipient of aid is found by the department to be incapable of tak-

ing care of himself or his money, payment shall be made only to a legally appointed guardian or conservator for his benefit.

Sec. 9. Inalienability of aid. All rights to aid 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. Transfer of property prohibited. Any applicant for or recipient of aid to the disabled, who divests himself directly or indirectly of any property after January 1, 1950 without a reasonable consideration or for the purpose of qualifying for such aid, shall forfeit all right to receive aid under the provisions of this act.

Sec. 11. Disqualification of applicant and recipient. Any recipient of aid to the disabled shall be disqualified from receiving aid to the disabled unless he files with the department, whenever the department may require it, the following information:

I. A sworn statement revealing his income, assets and liabilities:

II. An individual sworn statement made on the part of the spouse, parents and each adult child of said recipient residing in this state, and such statements shall include full information revealing individual income, assets and liabilities.

Provided, however, if the recipient is unable to obtain the sworn statement from such spouse, parents or child as above provided, then upon proof of his inability to do so, the department shall determine whether such inability to do so is reasonable and if it decides that it is reasonable then the merits of his case may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the recipient under the provisions of section 7.

Sec. 12. Report to department of increase in assets or income. Every recipient of aid to the disabled shall forthwith notify the department upon the receipt or possession of any property or income in excess of the amount last disclosed to the department.

Sec. 13. Payments illegally received may be recovered. The department may recover from any adult child or children, spouse or parents of any beneficiary under the provisions of this act, who is able to support the said beneficiary, but who fails to provide such support, in an action on the case for the amount expended by the department for the said support. The department may also recover the amount expended for aid in an action

on the case from a recipient or a former recipient who has failed to disclose assets which would have rendered him ineligible had he disclosed the assets. Such actions shall be prosecuted by the attorney general in the name of the state, and the amount recovered shall be credited to the aid to the disabled fund.

Sec. 14. Funeral expenses of person assisted. On the death of a recipient, reasonable funeral expenses not exceeding \$125 shall be paid by the state, if the estate of the deceased is insufficient to pay the same.

Sec. 15. Payment of certain obligations of deceased recipients of aid to the disabled. When for any reason whatsoever a recipient of aid to the disabled is unable to properly indorse the check for the last payment approved for him prior to his death or commitment to an institution, the department may approve payment by the state of obligations incurred by the recipient for board, medical, osteopathic or nursing services in anticipation of the receipt of such check, but not in excess of the amount of the check; provided, however, that any claim which may be paid under the provisions of this section must be presented to the department in writing within 60 days of the date of the death or commitment of the recipient.

Sec. 16. Entire aid suspended, when. If at any time the grant available to the state of Maine under the provisions of the Social Security Act of the United States relating to aid to the disabled shall cease to be available to match funds provided by law and to be distributed under the provisions of this act, the governor shall forthwith publicly so proclaim, and upon the date of such proclamation the provisions of said sections shall be suspended.

Sec. 17. 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:

- I. Administrative expenses, including probate fees and taxes;
- II. 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, however, 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 and said spouse does not marry again. If the state participates in federal funds for the purposes of this act, a sum

equal to the pro rata share to which the United States is equitably entitled of the net amount collected from the estate of the beneficiary, with respect to aid to the disabled 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. 18. Recipients of aid to the disabled not to be pauperized. The receipt of aid to the disabled shall not pauperize the recipient thereof, and the receipt of general relief by such recipient shall not be considered to be pauper support. General relief expense incurred by any municipality or by the state in behalf of such recipient may be paid from funds made available for the relief of the poor, but shall in no other respect be treated as pauper expense. The town of settlement, or the state in nonsettled cases, shall reimburse the place of residence for such general relief in the same manner as is provided by sections 24 and 28 of chapter 82 of the revised statutes of 1944. During the period that such aid is being paid, the recipient thereof shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement.

Sec. 19. Fraudulent representations; penalty. 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:

- I. Aid to which he is not entitled;
- II. A larger aid than that to which he is entitled;
- III. Payment of any forfeited instalment of aid;

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. 20. 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 aid is convicted of an offense under the provisions of this section, the department may cancel the aid.

Sec. 21. Repealing and amending clause. All acts and resolves or parts thereof inconsistent herewith are hereby repealed or amended to conform to the provisions of this act.

Sec. 22. Effective date. The provisions of this act shall become effective January 3, 1955.