

MAINE STATE LEGISLATURE

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CHAPTER 1053

AID TO DEPENDENT CHILDREN

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§ 3741. Definitions

1. Aid to dependent children. The term "aid to dependent children" means money payments with respect to, or medical care in behalf of or any type of remedial care in behalf of, a dependent child or dependent children, and includes money payments or medical care or any type of remedial care for any month to meet the needs of the relative with whom any dependent child is living if money payments have been made with respect to such child for such month, and if the relative with whom such dependent child is living is the parent of said child, the needs of the spouse of such parent may be included in accordance with Title IV of the Social Security Act, as amended, except as said Title applies to unemployment.

1963, c. 350.

2. Dependent child. The term "dependent child," wherever used in this chapter, shall be construed to mean a needy child under the age of 18 who has been deprived of parental support or care by reason of the death, continued absence from home or the physical or mental incapacity of a parent and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece in a place of residence maintained by one or more of such relatives as his or their own home.

1957, c. 98.

3. Relative with whom any dependent child is living. The term "relative with whom any dependent child is living" means the individual who is one of the relatives specified in subsection 2 and with whom such child is living, within the meaning of such subsection, in a place of residence maintained by such individual, himself or together with any one or more of the other relatives so specified, as his or their own home.

R.S.1954, c. 25, § 234; 1957, c. 98; 1963, c. 350.

§ 3742. Eligibility for aid

Aid shall be granted under this chapter to any dependent child who is living in a suitable family home meeting the standards of care and health fixed by the laws of this State and the rules and regulations of the department. This chapter shall apply to any dependent child who has resided in the State for one year immediately preceding the application for such aid; or who was born within one year immediately preceding the application, if the parent or other relative with whom the child is living has resided in the State one year immediately preceding the birth of the child.

R.S.1954, c. 25, § 235.

§ 3743. Recipients and relatives not to be pauperized

The receipt of aid to dependent children shall not pauperize the recipient or the relative with whom the child is living and the receipt of general relief by such recipient or relative with whom the child is living, made necessary by the presence of the child in the family, shall not be considered to be pauper support. General relief expenses incurred by any municipality or by the State in behalf of such recipient or relative with whom the child is living, made necessary by the presence of the child in the family, 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 of the recipient, 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 4471 and 4476.

During the period of time that a relative with whom the child is living receives general relief under this section, such relative shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement.

R.S.1954, c. 25, § 236.

§ 3744. Applications for aid

Application for aid under this chapter shall be made to the department on forms provided for this purpose by the department. Such applications shall be made by the relative with whom the dependent child is living and shall contain such information as may be required by the department.

R.S.1954, c. 25, § 237.

§ 3745. Duties of commissioner

Before granting aid under this chapter the commissioner shall determine that the parent or other relative, with whom such child is living, is fit to bring up such child, that the other members of the household and the home surroundings are such as to make for good character and that it is advisable that such child continue living in such home, and that the granting of such aid is necessary. The commissioner shall make careful inquiry into the resources of the members of such household and their ability to work or otherwise contribute to the support of such child, and the existence of relatives able to assist in supporting such child, shall take all lawful means to compel all persons liable to support such child and to enforce any other legal rights for the benefit of such child, shall press all members of the household who are able to work, other than such parent or relative and such child, to secure work, and shall secure all possible aid for such parent or relative and such child which can be secured from relatives or other individuals.

R.S.1954, c. 25, § 238.

§ 3746. Amount of aid

The department shall send a written notice by mail to the chairman of the overseers of the poor or to the department of public welfare of the municipality of residence immediately upon receipt of an application. The notice shall contain the name and address of the applicant and the number of children for whom the grant is requested. Before granting aid under this chapter, the department shall, upon request, consult with the overseers of the poor or the department of public welfare of the municipality of residence or settlement, as appropriate, as to the applicant's need for aid for the dependent child for whom the grant is requested. The amount of aid which shall be granted for any dependent child shall be determined with due regard to the resources and necessary expenditures of the family and the conditions existing

in each case on a budgetary basis in accordance with the rules and regulations of the department and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

R.S.1954, c. 25, § 239; 1963, c. 410.

§ 3747. Administration of funds

The department shall administer all funds appropriated for the purposes of this chapter. It shall make such rules and regulations with respect to the administration of this chapter as it deems advisable. It may grant prompt and suitable temporary aid to any dependent child when in its opinion such aid is immediately necessary. Any moneys heretofore or hereafter appropriated or allocated for aid to dependent children are made available for the purposes of this chapter. Nothing in this chapter shall be construed as authorizing any public official, agent or representative, in carrying out any provision of this Title, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

R.S.1954, c. 25, § 240; 1957, c. 397, § 24.

§ 3748. Appeals

Any person who is denied aid or who is not satisfied with the amount of aid allotted to him by the department, or whose application is not acted upon with reasonable promptness, or any municipality which is dissatisfied with a decision of the department made under any provision of this chapter 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. 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.

R.S.1954, c. 25, § 241.

§ 3749. Acceptance of provisions of federal law

The department is authorized to:

1. Federal aid. Apply for federal aid under Title IV of the Federal Social Security Act (Public No. 271, 74th Congress);

2. Cooperation with Federal Government. Cooperate with the Federal Government in matters of mutual concern pertaining to aid to dependent children, including the provision of such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

3. Reports. 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.

R.S.1954, c. 25, § 242.

§ 3750. Assessment of towns

The State shall recover from the municipality in which the child so aided has legal settlement 18% of the amount expended for aid to each dependent child, which shall be credited to the regular legislative appropriation for aid to dependent children. Settlement shall be determined by the department within 2 years from the date the money payment is made and a bill shall be submitted to the municipality within 6 months thereafter. Whenever it appears that a municipality is delinquent in making reimbursements to the State, the amounts shall be collected by the State in the same manner and subject to the same penalties as state taxes, except that the State shall be barred from collecting any claim under this section unless the bill is submitted to the municipality within 6 months after determination of the settlement. Any balance due shall be assessed in the succeeding year in the same manner as other state taxes.

R.S.1954, c. 25, § 243; 1963, c. 342.

§ 3751. Federal grants

The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants on account of aid to dependent children and administration thereof, as contemplated by Title IV of the Federal Social Security Act, and the State Controller shall authorize expenditures therefrom as approved by the department.

R.S.1954, c. 25, § 244.

§ 3752. Payments to guardian or conservator

When a relative with whom a child is living is found by the department to be incapable of taking care of his money, pay-

ment shall be made only to a legally appointed guardian or conservator and, notwithstanding Title 18, section 3701, in the matter of infirmities of age or physical disability to manage his estate with prudence and understanding, the probate court may appoint any suitable person as a conservator.

R.S.1954, c. 25, § 245; 1955, c. 273.

§ 3753. Inalienability of assistance

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.

R.S.1954, c. 25, § 246.