

MAINE STATE LEGISLATURE

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May 21, 1947

To Dr. L. D. Bristol, Commissioner of Health and Welfare

Under date of May 7th you sent me a memo attaching papers relating to fair hearing procedure. As you know, we were in the middle of a hectic legislative session and I had three murder cases under investigation. I have finally secured time in my office to take up this matter.

I wrote you an opinion on July 15, 1946, on this subject, and it seems to me that in view of the fact that I have already passed upon this matter, and in view of the letter from the Social Security Board, ~~it seems to~~ we should have a conference on this matter, because I believe you misinterpreted my meaning, and also the Federal Security Board did so, when I stated that it was my opinion that this statute does not cover delay as a reason for appeal for a fair hearing. What I meant by that statement was that an unreasonable delay after an application had been denied, for assistance, or an applicant had stated that he was dissatisfied with the amount of assistance or was aggrieved by a decision of the Department, should not be permitted. He must make his appeal within a reasonable time of his denial or aggrievement. Now, a reasonable time might depend upon the facts in each case, where the statute sets no particular time for bringing an appeal. If an application has been rejected, there is no question but that the applicant has an appeal within a reasonable time.

In regard to delay in acting upon an application within a reasonable period of time, I still feel that there is no appeal under our Maine statute, but that is a matter that should be taken up with Mr. Haines and yourself and your Public Assistance group before any definite ruling is made.

Ralph W. Farris
Attorney General

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