

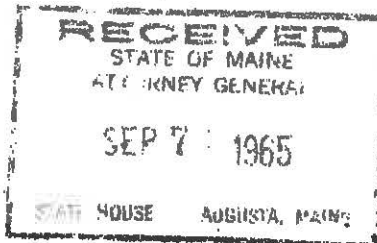
MAINE STATE LEGISLATURE

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September 3, 1965

Dean Fisher, M. D., Commissioner

Ruth L. Crowley, Assistant Attorney General

Relatives' Financial Responsibility to Recipients of Aid to the Aged, Blind or Disabled.

FACTS:

Chapter 364 of the Public Laws of 1965 amended the law relating to relatives' financial responsibility to recipients of aid to the aged, blind or disabled by deleting the requirement that adult children of applicants for such assistance must submit sworn statements of income and assets. At the same time the words "who is under the age of 21 or is blind or permanently disabled" have been inserted after the word "applicant" so that the complete sentence, as amended, reads "An application shall be accompanied by a sworn statement of the spouse and parents of said applicant who is under the age of 21 or is blind or permanently disabled, if residing in this State and accessible" (Title 22, section 3401).

The same chapter amends sub-section 2 of section 3403 of Title 22 to read as follows: "A sworn statement made by the spouse of said recipient residing in this State, and such statement shall include full information regarding income, assets and liabilities."

And section 3452 of Title 22 is also amended to read as follows: "The spouse of a recipient of aid to the aged, blind or disabled shall, if of sufficient ability, be responsible for the partial or total support of such persons; in determining the ability of such spouse, his assets as well as his income shall be considered."

QUESTION NO. 1.

Are sworn statements required of parents of blind or disabled children over the age of 21?

ANSWER:

Yes.

OPINION:

The phrase "who is under the age of 21 or is blind or permanently disabled" clearly defines the word "applicant" and can only be interpreted exactly as written - that is, an applicant who is either (1) under the age of 21 or (2) who is blind or permanently disabled. Therefore, it follows that the parents of all applicants who are blind or permanently disabled, regardless of the age of such applicants, must file the prescribed sworn statements. Likewise, the parents of all applicants for aid who are under 21 years of age must file sworn statements. Actually, the inclusion of the minority phrase is redundant since the assistance which is available to minors is aid to the blind, or permanently disabled. Whether or not a minor applicant has been emancipated by his own or by his parent's acts would appear to be of no significance in determining the need for such a statement from the

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parent, both by the very wording of the amended law and because the paragraph concerning broken relationships between parent and child has been deleted.

It should be noted that the amended statute makes a distinction between applicants and recipients as to the requirement of sworn statements. By section 3401 of Title 22 the spouse and parents of an applicant are required to submit sworn statements, but section 3493 provides for disqualification of a recipient if he fails to file a sworn statement of the spouse only.

QUESTION NO. 2:

Are both spouse and parents legally responsible for support and thus subject to enforcement action by the Attorney General?

ANSWER:

No.

OPINION:

Section 3452 of Title 22 has been amended by the aforementioned Chapter 364 of the Public Laws of 1965 to read as follows: "The spouse of a recipient of aid to the aged, blind or disabled, shall, if of sufficient ability, be responsible for the partial or total support of such persons." In amending this section the legal responsibility of parents and adult children has been specifically deleted, and we can only conclude that while the Legislature felt the continued need for statements of parents of the blind and disabled to be filed this seemed to be merely for informational purposes, since such parents are, by the same law, excluded from legal responsibility. Under section 3452 as it now reads, the Attorney General is empowered to proceed only against a spouse of a recipient. It should be noted, however, that in the words of the newly added paragraph, "the department shall encourage and stimulate voluntary contributions from the parents and adult children of the recipients of such aid, if such relatives are of sufficient ability to contribute toward the support of such recipients." In other words, although the legal responsibility of parents and adult children is eliminated, the moral responsibility continues to exist and it is mandatory that the department exert efforts to stimulate compliance with such moral responsibility.

RLG:mgb
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