

# MAINE STATE LEGISLATURE

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# ONE - HUNDRETH LEGISLATURE

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## Legislative Document

No. 24

H. P. 5

Office of the Clerk of the House

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HARVEY R. PEASE, Clerk

Presented by Mr. Storm of Sherman.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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### AN ACT Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled.

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

**Sec. 1. R. S., c. 25, § 277, amended.** Section 277 of chapter 25 of the Revised Statutes, as amended by section 1 of chapter 351 of the public laws of 1957, is further amended by repealing the last paragraph thereof, as follows:

~~'When the parent child relationship between a parent and child was broken during the minority of the child and no significant relationship has ever been resumed, such person shall not be considered as a child of such parent in sections 276 to 297, inclusive.'~~

**Sec. 2. R. S., c. 25, § 281, amended.** The 3rd and 4th paragraphs of section 281 of chapter 25 of the Revised Statutes are amended to read as follows:

~~'An application shall not be considered unless accompanied by an individual a sworn statement made on the part of each adult child or the spouse of said applicant residing in this State and accessible, and such statements statement shall include full information regarding individual income, assets and liabilities provided that if. If such applicant has previously applied and there are is on file with the department any of the necessary a sworn statements statement, 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 child or the spouse as above provided~~, then upon proof of his inability to do so the depart-

ment shall determine whether such inability to do so is real and genuine, and if it decides that it is real and genuine, then the merits of his application shall 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 284.~~

**Sec. 3. R. S., c. 25, § 283, sub-§ VI, repealed.** Subsection VI of section 283 of chapter 25 of the Revised Statutes is repealed, as follows:

~~'VI. Has no child or children residing in this State and able to support him;'~~

**Sec. 4. R. S., c. 25, § 287, sub-§ II, amended.** Subsection II of section 287 of chapter 25 of the Revised Statutes, as amended by section 1 of chapter 64 of the public laws of 1957, is further amended to read as follows:

**'II. Income and assets of spouse.** ~~An individual~~ A sworn statement made on the part of ~~each adult child residing in this State or the~~ spouse of said recipient and such ~~statements~~ statement shall include full information regarding ~~individual~~ income, assets and liabilities.'

**Sec. 5. R. S., c. 25, § 287, amended.** The first sentence of the last paragraph of section 287 of chapter 25 of the Revised Statutes, as amended by section 1 of chapter 64 of the public laws of 1957, is further amended to read as follows:

'If the recipient is unable to obtain the sworn statement from ~~such child or the~~ spouse, then upon proof of his inability to do so, the department shall determine whether such inability to do so is real and genuine, and if it decides that it is real and genuine, then the merits of his case may be considered.'

**Sec. 6. R. S., c. 25, § 290, amended.** The first sentence of section 290 of chapter 25 of the Revised Statutes is amended to read as follows:

'The department may recover from ~~any child, children or the~~ spouse of any beneficiary under ~~the provisions of~~ sections 276 to 297, 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.'

**Sec. 7. R. S., c. 25, § 294, amended.** The first paragraph of section 294 of chapter 25 of the Revised Statutes is repealed and the following enacted in place thereof:

**'The parents of a child receiving Aid to Dependent Children and the spouse of a recipient of Old Age Assistance, Aid to the Blind, or Aid to the Disabled shall, if of sufficient ability, be responsible for partial or total support of such persons. In determining the ability of such relatives, his assets as well as his income shall be considered.'**

**Sec. 8. R. S., c. 25, § 298, sub-§ III, repealed.** Subsection III of section 298 of chapter 25 of the Revised Statutes, as enacted by section 2 of chapter 351 of the public laws of 1957, is repealed as follows:

~~'III. When the parent child relationship between a parent and child was broken during the minority of the child and no significant relationship has~~

ever been resumed, such person shall not be considered as a child of such parent in sections 298 to 318, inclusive.'

**Sec. 9. R. S., c. 25, § 299, sub-§ VII, amended.** Subsection VII of section 299 of chapter 25 of the Revised Statutes is amended to read as follows:

**'VII. Spouse.** Has no spouse ~~parents, adult child or children~~ residing in this State and able to support him.'

**Sec. 10. R. S., c. 25, § 303, amended.** The last 2 paragraphs of section 303 of chapter 25 of the Revised Statutes are amended to read as follows:

'An application shall not be considered unless accompanied by ~~an individual~~ a sworn statement made on the part of the spouse ~~parents and each adult child~~ of said applicant residing in this State, and such ~~statements~~ **statement** shall include full information revealing ~~individual~~ income, assets and liabilities ~~provided that if.~~ **provided** If such applicant has previously applied and there ~~are~~ **is** on file with the department ~~any of the necessary~~ a sworn ~~statements~~ **statement** 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 307.'

**Sec. 11. R. S., c. 25, § 304, sub-§ II, amended.** Subsection II of section 304 of chapter 25 of the Revised Statutes is amended to read as follows:

**'II. Income and assets of spouse.** ~~An individual~~ A sworn statement made on the part of the spouse ~~parents and each adult child~~ of said recipient residing in this State, and such ~~statements~~ **statement** shall include full information regarding ~~individual~~ income, assets and liabilities.'

**Sec. 12. R. S., c. 25, § 304, amended.** The last paragraph of section 304 of chapter 25 of the Revised Statutes is amended to read as follows:

~~'Provided, however, if~~ If the recipient is unable to obtain the sworn statement from ~~such the 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 307.'

**Sec. 13. R. S., c. 25, § 308, amended.** The first sentence of section 308 of chapter 25 of the Revised Statutes is amended to read as follows:

'The department may recover from ~~any adult child or children~~ the spouse ~~or parents~~ of any beneficiary under ~~the provisions of~~ sections 298 to 318, inclusive

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.'

**Sec. 14. R. S., c. 25, § 319-A, amended.** The last paragraph of section 319-A of chapter 25 of the Revised Statutes, as enacted by sections 3 of chapter 351 of the public laws of 1957, is repealed as follows:

~~'When the parent-child relationship between a parent and child was broken during the minority of the child and no significant relationship has ever been resumed, such person shall not be considered as a child of such parent in sections 319-A to 319-F, inclusive.'~~

**Sec. 15. R. S., c. 25, § 319-E, amended.** The last 2 paragraphs of section 319-E of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, are amended to read as follows:

~~'An application shall not be considered unless accompanied by an individual a sworn statement made on the part of the spouse parents and each adult child of said applicant residing in this State, and such statements statement shall include full information revealing individual income, assets and liabilities provided that if. If such applicant has previously applied and there are is on file with the department any of the necessary a sworn statements statement, 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 319-G.'~~

**Sec. 16. R. S., c. 25, § 319-F, sub-§ V, amended.** Subsection V of section 319-F of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows:

**'V. Spouse.** Has no spouse ~~parents, adult child or children~~ residing in this State and able to support him;'

**Sec. 17. R. S., c. 25, § 319-K, sub-§ II, amended.** Subsection II of section 319-K of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows:

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

**Sec. 18. R. S., c. 25, § 319-K, amended.** The last paragraph of section 319-K of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows:

~~'Provided, however, if~~ 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 319-G.~~

**Sec. 19. R. S., c. 25, § 319-M, amended.** The first sentence of section 319-M of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows:

'The department may recover from ~~any adult child or children~~ the spouse ~~or parents~~ of any beneficiary under ~~the provisions of sections 319-A to 319-T, inclusive~~ 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.'