

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1397

S. P. 443

In Senate, February 8, 1961

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Cole of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Providing an Interstate Welfare Compact.

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

R. S., c. 25-B, repealed and replaced. Chapter 25-B of the Revised Statutes, as enacted by chapter 185 of the public laws of 1959, is repealed and the following enacted in place thereof:

Chapter 25-B.

Interstate Welfare Compact.

Sec. 1. Compact. The Interstate Welfare Compact is enacted into law and entered into by this State with any other jurisdiction or jurisdictions legally joining therein in the form substantially as follows:

Interstate Welfare Compact.

Preamble.

The policy of the states party to this compact is to eliminate, on a reciprocal basis, restrictive residence or settlement requirements existing in the party states. It is recognized that law and policy relating generally to social welfare within a state should not be determined by interstate compact and will remain a matter for determination by that party state and its subdivisions. This compact shall be open for joinder by any state of the United States and the District of Columbia.

Title A.

Article 1. General Assistance; Definition.

General assistance shall mean and include aid which is furnished by the welfare authorities of a state or its subdivisions, usually in the form of financial assistance, to and for the subsistence and maintenance of needy families and individuals. General assistance may include related social services, medical care and burial, but shall not include aid rendered under the federally-aided programs of Old Age Assistance, Aid to the Blind, Aid to Dependent Children and Aid to the Permanently and Totally Disabled. No party state shall be obligated to make available under this title any form of general assistance beyond that which is otherwise authorized by law in that state.

Article 2. Provision of Assistance.

(a) No person who has removed himself from one party state to another party state shall be ineligible for general assistance in such other party state because of failure to meet that state's residence or settlement requirements for eligibility. If a person is already receiving general assistance at the time he removes himself to another party state and if he continues to be in need of such assistance, the party state from which he removes himself shall be obligated to render assistance for 90 days from the date of his removal; in any such case the party state to which the person removes himself shall not be obligated to provide assistance during such 90-day period.

(b) The cost of providing general assistance to any person made eligible therefor by reason of this title shall be charged within the state in accordance with the laws of such state.

(c) The appropriate official, department or agency of the state where application for general assistance is made pursuant to this title shall be entitled to request and receive any pertinent information available from any other party state with respect to such applicant.

Article 3. Preservation of Reciprocal Agreements.

Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a non-party state relating to social welfare nor to invalidate any statutory authority for such agreements.

Article 4. Compact Administrator.

Each party state shall appoint a compact administrator who shall act as general coordinator of activities under the compact in his state, and whose duty it shall be to cooperate with the compact administrators of other party states. The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out the terms and provisions of this compact.

Article 5. Enactment and Withdrawal.

(a) This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

(b) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect 6 months after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states.

Article 6. Construction and Severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. This compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof, to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Title B.

Article 101. Additional Services.

This title shall be binding only as among and between those states party to title A which shall also enact this title B, but such enactment may be either concurrent with or subsequent to enactment of title A. Among party states enacting this title, the provisions of title A, article 2, shall be construed to apply not only to "general assistance", as defined in title A, article 1, but shall also apply to the following welfare aids and services: Old Age Assistance; Aid to the Blind; Aid to Dependent Children; Aid to the Permanently and Totally Disabled; Child Welfare Services; Care of Unwed Mothers; and Welfare Medical Services for Those in Need. No party state shall be obligated by this title to provide any welfare aid or service which is not made available generally by its laws.

Article 102. Supplementary Agreements.

The duly constituted administrative authorities of any 2 or more party states enacting this title may enter into supplementary agreements for the provision of any additional service or facility in the field of social welfare not otherwise authorized by this title, whenever the states concerned shall find that such agreements would improve social welfare, its services or facilities. No such supplementary agreement shall authorize or require any party state to assume any obligation not otherwise authorized by law.

Article 103. Withdrawal.

This title shall be separate from title A of the compact, and any party state may withdraw herefrom by the same procedure as set forth in title A, article 5, paragraph (b) without affecting its adherence to title A of this compact. Withdrawal from any supplementary agreement made pursuant to this title shall be in accordance with the terms of such agreement.

Article 104. Construction.

The provisions set forth in title A, articles 2, 3, 4, 5 and 6 except as otherwise specifically modified by this title shall be construed to apply hereto.

Sec. 2. Continuance of assistance payments. The appropriate welfare agencies of this State and its subdivisions are authorized to continue assistance payments as required by article 2(a) of title A of the compact to any person in another party state for a period not to exceed 90 days from the removal of such person from this State. To the extent practicable, such payments shall be made, discontinued or terminated on the same terms and conditions as if the recipient were within this State. Upon request, the appropriate welfare authorities of this State or its subdivisions shall furnish to the appropriate authorities of or in another party state responsible for the continuance of payments pursuant to the 90-day provision of article 2(a) of title A of the compact such information as they may have or may reasonably acquire with respect to the continuing need of such persons for assistance, but no agency or officer of this State or any subdivision thereof shall be required to furnish any such information to officers or agencies of any jurisdiction which by law is not required to furnish similar information to the appropriate agencies and officers of this State and its subdivisions.

Sec. 3. Administrator. The Commissioner of Health and Welfare is designated and directed to serve as administrator of the Interstate Welfare Compact in accordance with article 4 of title A.

Sec. 4. Duties. Except for the 90-day obligation imposed by article 2(a) of title A of this compact, nothing in this act or in the compact enacted hereby shall be construed to transfer operation of or responsibility for performance of any function or service from or to any officer, agency or subdivision of or within this State, but the administrator of the compact shall serve as general coordinator of activities under the compact in this State and shall have all other powers conferred upon him by article 4 of title A of the compact to the end that this State may discharge effectively its obligations thereunder.

Sec. 5. Withdrawal. In the event that this act is repealed at a subsequent date, the Governor is directed thereupon promptly to communicate withdrawal notices to all other party states in accordance with the provisions of article 5 of this compact.