

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1625

H. P. 1179

House of Representatives, May 26, 1961

Reported by Mr. Hinds from Committee on Welfare. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Redefining the Financial Responsibility of Children and Certain Relatives in Public Assistance.

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

Sec. 1. R. S., c. 25, § 281, amended. The 4th paragraph of section 281 of chapter 25 of the Revised Statutes is amended to read as follows:

~~'If the applicant is unable to obtain the sworn statement from such child or spouse as provided above, 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 application shall be considered obtain such statement or the required information from any available source and proceed to process the application. 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. 2. R. S., c. 25, § 283, sub-§ VI, repealed. Subsection VI of section 283 of chapter 25 of the Revised Statutes is repealed, as follows: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. 3. R. S., c. 25, § 287, amended. The last paragraph of section 287 of chapter 25 of the Revised Statutes is amended to read as follows:

~~'If the recipient is unable to obtain the sworn statement from such child or 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 obtain such statement or the required information from any available source and proceed to process the case. Any determination made under the provisions of this section shall be subject to the right of appeal of the recipient under the provisions of section 284.'

Sec. 4. R. S., c. 25, § 290, amended. The first sentence of section 290 of chapter 25 of the Revised Statutes is repealed, as follows:

~~'The department may recover from any child, children, or 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 said support.'~~

Sec. 5. R. S., c. 25, § 294, amended. Section 294 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 294. Liability of relatives to support. The husband, wife, father, mother, grandparent, spouse, parents and child or grandchild of a recipient of or an applicant for public assistance of any nature from the State shall, if of sufficient ability, be responsible for the partial or total support of such persons. In determining the ability of such relative, his assets as well as his income shall be considered.

~~The commissioner Attorney General shall bring proceedings in the name of the State of Maine in any court of competent jurisdiction to compel any person liable under the provisions of this section for support to contribute to the support of any person who is receiving, or who has applied and is otherwise eligible for recipient of public assistance. The court shall have power to determine what shall be a fair and reasonable amount for such support and maintenance to be paid by the party adjudged liable, and to determine what amount shall be paid by such party defendant to the department as reimbursement for moneys already furnished to a recipient. If such person is receiving public assistance the courts may order that such amount for such support and maintenance be paid to the commissioner for the use of such recipient. The action may be brought in the same manner and form as that provided by section 20 of chapter 94, except that such action may be commenced and acted upon by the court in vacation upon not less than 10 days' notice.~~

The action shall be brought as a petition for support upon not less than 7 days' notice. Upon failure to pay the support ordered, execution as in tort shall issue. The State shall pay the expense of commitment and support when the defendant is committed to jail on execution and he may be discharged in the same manner as provided by chapter 166, section 64.'

Sec. 6. 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. 7. R. S., c. 25, § 303, amended. The 3rd paragraph of section 303 of chapter 25 of the Revised Statutes is amended to read as follows:

'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~~ obtain such statement or the required information from any available source and if it decides that it is reasonable then the merits of his application may be considered and proceed to process the application. 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. 8. 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 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~~ obtain such statement or the required information from any available source and proceed to process the case. 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. 9. R. S., c. 25, § 308, amended. The first sentence of section 308 of chapter 25 of the Revised Statutes is repealed 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. 10. R. S., c. 25, § 319-E, amended. The last paragraph 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, is amended to read as follows:

'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~~ obtain such statement or the required information from any available source and if it decides that it is reasonable, then the merits of his application may be considered and proceed to process the application. 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. 11. 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. 12. 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~~ obtain such statement or the required information from any available source and proceed to process the case. 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. 13. 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 repealed as follows:

~~'The department may recover from any adult child or children, 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.'~~