

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 571**

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H. P. 408

House of Representatives, February 3, 1971

Referred to Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Genest of Waterville.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Welfare Assistance.**

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

**Sec. 1. R. S., T. 14, § 1506, amended.** Section 1506 of Title 14 of the Revised Statutes is amended to read as follows:

**§ 1506. Improper action in Superior Court,  $\frac{1}{4}$  costs;**  
report of referees, full costs allowed

In actions commenced in the Superior Court, ~~except those by or against towns for the support of paupers~~ if it appears on the rendition of judgment that the action should have been commenced before a District Court, including actions of replevin where the value of the property does not exceed \$20, the plaintiff recovers for cost only  $\frac{1}{4}$  part of his debt or damages. On reports of referees, full costs may be allowed unless the report otherwise provides.

**Sec. 2. R. S., T. 17, § 3062, amended.** Section 3062 of Title 17 of the Revised Statutes is amended to read as follows:

**§ 3062. Warrant to search for enticed female**

When ~~an overseer of the poor~~ a police officer, constable, parent or guardian has reason to believe that a female has been inveigled or enticed to a house of ill fame, he may complain on oath to a competent judge who may issue his search warrant, as in other cases, to enter such house by day or night, search for such female and bring her and the person in whose keeping she is found before him, and may order her to be delivered to the complainant or to be discharged, as law and justice require.

**Sec. 3. R. S., T. 18, § 3601, amended.** The first paragraph of section 3601 of Title 18 of the Revised Statutes, as amended by section 29 of chapter 433 of the public laws of 1969 is further amended to read as follows:

The judge of probate may appoint guardians to the following persons resident in his county, or resident out of the State, and having estate in his county, although over 20 years of age, on written application of any of their friends, relatives or creditors or of the municipal officers ~~or overseers of the poor~~ of the town where they reside **or of the Department of Health and Welfare**; but when the judge is interested, either in his own right, in trust or in any other manner, or is within the 6th degree of kindred, said application shall be made to and such appointment shall be made by the judge in any adjoining county and the record of said appointment shall show why it was so made:

**Sec. 4. R. S., T. 19, § 62, amended.** The 6th sentence of section 62 of Title 19 of the Revised Statutes is amended to read as follows:

No certificate shall be issued to a male or female under 16 years of age without the written consent of their parents, guardians or persons to whom a court has given custody of such minors first presented, if they have any living, and without said clerk having notified in writing the judge of probate in the county in which they reside of the filing of such intentions, who may in the interest of public welfare order that no such certificate shall be issued ~~nor to a state, city or town pauper, when the overseers of such town where the pauper resides deposit a list of their state, city or town paupers with the clerk.~~

**Sec. 5. R. S., T. 21, § 1, sub-§ 22, repealed.** Subsection 22 of section 1 of Title 21 of the Revised Statutes is repealed.

**Sec. 6. R. S., T. 22, § 46, amended.** The last sentence of section 46 of Title 22 of the Revised Statutes, as amended by chapter 283 of the public laws of 1969, is repealed, as follows:

~~No person shall be deemed a pauper by reason of having received the benefit of any funds, either State or municipal, which shall have been expended in his behalf under this section~~

**Sec. 7. R. S., T. 22, § 458, amended.** Section 458 of Title 22 of the Revised Statutes is amended to read as follows:

#### **§ 458. Medical supplies for indigent persons**

The local health officer in any ~~town~~ municipality furnishing an indigent person ~~having pauper settlement in another town~~ antitoxin or other medical supplies shall be reimbursed by the ~~town in which the patient has pauper settlement~~ State. ~~The State shall reimburse cities or towns furnishing such supplies to any person having no legal settlement in any city or town within the State~~

**Sec. 8. R. S., T. 22, § 957, amended.** The last paragraph of section 957 of Title 22 of the Revised Statutes is amended to read as follows:

All expenses for medical care and medicine, including antitoxin, incurred in carrying out this section, or incurred in furnishing families or persons affected with tuberculosis with supplies needed to prevent the spread of infection, shall be deemed a legitimate expenditure for the protection of the public health and shall be charged to the account of incidental expenses of the town ~~but not to any pauper account, nor shall any person so quarantined and assisted be considered a pauper, or be subject to disfranchisement for that cause, unless such persons are already paupers as defined in the Revised Statutes.~~ All other expenses may be recovered from the person quarantined, or whose family is quarantined or from his parents, if able, otherwise from the town in which he has legal settlement State. ~~This section shall not release the State from the obligations which are imposed upon it by sections 4468 to 4471~~

Sec. 9. R. S., T. 22, § 960, amended. Section 960 of Title 22 of the Revised Statutes is amended to read as follows:

§ 960. Antitoxins, vaccines and drugs; available free

To provide for the control of diphtheria and other contagious diseases, the local health officer shall furnish antitoxin, vaccines, drugs and necessary medical attention free to all indigent persons suffering from such diseases at the expense of the town State, in such manner as the department may direct.

If the health officer fails to furnish such supplies, the State may do so ~~and charge the account to the town.~~

Sec. 10. R. S., T. 22, § 1049, amended. The last sentence of section 1049 of Title 22 of the Revised Statutes is amended to read as follows:

In cases of needy patients, who are not able to provide themselves with proper supplies or material in the opinion of the attending physician needed to prevent the communication of infection, the physician may send a requisition to the local health officer of the town in which the tuberculous patient lives, for such supplies and material to aid him in preventing the spread of the disease, and all local health officers shall honor, so far as possible, any requisition signed by the attending physician, and the bill for these supplies shall be paid by the town State.

Sec. 11. R. S., T. 22, § 3100, additional. Title 22 of the Revised Statutes is amended by adding a new section 3100, to read as follows:

§ 3100. State policy on welfare

It is the policy of this State:

1. Persons in need. That its social welfare program shall provide assistance, care and service to the persons of the State in need thereof and thereby promote the well-being of all the people of the State;

2. Purpose. That it is the purpose of the social welfare laws to establish and support programs which contribute to the prevention of dependency and social maladjustment, as well as rehabilitative, preventive and protective services;

3. **Administration.** That assistance, care and service shall be administered promptly, with due regard for the preservation of family life, and without restriction of individual rights or discrimination on account of race, religion, political affiliation or place of residence within the State;

4. **Adequate assistance.** That assistance, care and service shall be so administered as to maintain and encourage dignity, self-respect and self-reliance. It is the legislative intent that financial assistance granted shall be adequate to maintain a reasonable standard of health and decency based on current cost of living indices;

5. **Family life.** That it is further declared to be the policy of this State to direct its efforts to the strengthening of family life for the care and protection of children; to assist and encourage the use by any family of all available personal and community resources to this end; and to provide substitute care of children only when the family, with the use of resources available to it, is unable to provide the necessary care and protection to assure the rights of any child to sound health, and normal physical, mental, spiritual and moral development;

6. **Federal funds.** That all legitimate advantage should be taken of federal funds available toward Maine's public welfare costs.

**Sec. 11-A. R. S., T. 22, § 3303, repealed.** Section 3303 of Title 22 of the Revised Statutes is repealed.

**Sec. 12. R. S., T. 22, §§ 3796, 4451, 4452, 4452-A, 4453, 4454, 4455, 4456, 4457, 4458 and 4458-A, repealed.** Section 3796, section 4451, as amended by sections 51 and 52 of chapter 433 of the public laws of 1969, section 4452, section 4452-A, as enacted by chapter 388 of the public laws of 1967, section 4453, as amended by chapter 9 of the public laws of 1969, sections 4454 to 4456, section 4457, as amended by section 60 of chapter 544 of the public laws of 1967, section 4458 and section 4458-A, as enacted by chapter 380 of the public laws of 1965, all of Title 22 of the Revised Statutes, are repealed.

**Sec. 13. R. S., T. 22, § 4459, repealed and replaced.** Section 4459 of Title 22 of the Revised Statutes, as amended by section 36-A of chapter 504 of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 4459. General assistance at expense of State**

A program of general assistance for persons in need of immediate assistance, service or care shall be operated and administered by the department in accordance with rules and regulations adopted by the department with the advice and consent of a General Assistance Committee after due notice of the pendency of such rules and regulations has been published in newspapers of general circulation in each county, with such publication appearing once weekly at least 3 weeks prior to the date of the proposed adoption of said rules and regulations. Such a program of general assistance shall not include the operating and financing of institutions other than the purchase of services from local establishments or agencies.

On the effective date of this Act or as soon thereafter as possible, the overseers of the poor or other municipal officers previously charged with granting

municipal relief shall hold such records until authorized by the commissioner to dispose of them or turn them over to the department.

Any liability or commitment of any municipality or political subdivision within the State for assistance or relief granted which exists or is pending on the effective date of this Act shall remain the responsibility of the municipality or political subdivision and neither expenses nor debts so incurred or pending shall be transferred to the department.

Any bond, contract or other agreement between a municipality and the State or state institutions which binds a municipality for full or partial support, clothing, transportation, burial or any other aid, assistance or service provided to an inmate of a state institution or financial assistance granted by the department entered into under laws or regulations prior to the effective date of this Act shall on that date become null and void.

The commissioner shall establish within the department such organizational structures as he deems proper for the administration of this program of general assistance.

Sec. 14. R. S., T. 22, § 4459-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 4459-A, to read as follows:

§ 4459-A. General Assistance Committee

A General Assistance Committee in connection with the department shall consist of one member from each of the 16 counties in the State of Maine, which members shall be persons of low income as defined by current governmental indices. The members shall be appointed by the Governor from a list of persons of low income eligible for appointment to membership for a term of 2 years, and until his successor is appointed and duly qualified. The members of said committee shall serve without compensation, but may be allowed actual and necessary expenses for attendance at the meetings.

The committee shall meet upon call of the chairman or, in his absence, upon the call of the vice-chairman. The committee shall meet at least once monthly with the commissioner to discuss and take appropriate action on matters relative to rules and regulations of the general assistance program. One such meeting shall be held annually in January, at which time a chairman and vice-chairman shall be elected from its members.

A person becomes eligible for appointment to membership of the committee on the written petition of at least 100 residents of the county from which he seeks appointment. Such petition shall be filed with the Secretary of State's Office.

Sec. 15. R. S., T. 22, §§ 4460, 4461, 4462, 4463, 4464 and 4466, repealed. Section 4460, section 4461 as amended by chapter 23 of the public laws of 1965, sections 4462 to 4464 and section 4466, all of Title 22 of the Revised Statutes, are repealed.

Sec. 16. R. S., T. 22, § 4465, repealed and replaced. Section 4465 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4465. Municipal service officer; appointment; duties

1. **Municipal service officer.** The Commissioner of Health and Welfare shall determine those municipalities which need a municipal service officer who shall act under the sole supervision, control and direction of the commissioner, or his designated representative, in administering general assistance under this Title. The commissioner shall establish standards and qualifications for such municipal service officers. Within 60 days after notification by the commissioner of such need for a municipal service officer, the municipal officers of the municipality shall nominate one or more persons within the standards and qualifications established by the commissioner. When the commissioner determines that one municipal service officer shall serve more than one municipality, the municipal officers of each such municipality shall meet in conference and jointly nominate one or more persons within the standards and qualifications established by the commissioner. The commissioner shall appoint a municipal service officer from the nominees submitted by the municipal officers if such nominee qualifies for the appointment. If the municipal officers fail to submit nominations within 60 days after notification by the commissioner that a municipal service officer will be appointed, or if the nominees submitted by the municipal officers do not qualify under the standards established by the commissioner, then the commissioner may appoint such municipal service officer without further consultation with the municipal officers. Any vacancies occurring in the office of municipal service officer shall be filled in the same manner as provided for appointment. The municipal service officer shall in no way be under the control, supervision or direction of any municipal official or officials.

2. **Duties.** The duties of the municipal service officer shall be:

- A. To make available applications and information on general assistance as required by any individual;
- B. To authorize from funds advanced to him emergency assistance pursuant to the statutes and the rules and regulations of the department;
- C. To perform other duties as directed by the commissioner and as required by law.

3. **Application.** The employment of a municipal service officer shall in no way prohibit any person from inquiring about or applying for assistance directly to an office of the Department of Health and Welfare nor prohibit a full-time employee of the Department of Health and Welfare authorized by the commissioner from answering inquiries, accepting applications for and authorizing grants of general assistance.

Sec. 17. R. S., T. 22, § 4467, amended. Section 4467 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4467. Liability of relatives for support; procedure

The spouse, father of minor children and mother of minor children, ~~grandfather, grandmother, children and grandchildren, by consanguinity living within the State and of sufficient ability~~ shall support persons chargeable in

proportion to their respective ability. ~~A town, the~~ The State or any kindred of a ~~pauper person who has received general assistance,~~ having incurred expense for the relief of such ~~pauper person,~~ may complain to the Superior Court in the county where any of the kindred reside. The court may cause such kindred to be summoned, and upon hearing or default may assess and apportion a reasonable sum upon such as are found to be of sufficient ability for the support of such ~~pauper person~~ to the time of such assessment, and shall issue a writ of execution. Such assessment shall not be made to pay any expense for relief afforded more than 6 months before the complaint was filed. Such complaint may be filed with the clerk of the court who shall issue a summons thereon, returnable and to be served as writs of summons are. On ~~suggestion~~ motion of either party ~~alleging~~ that there are other kindred of ability not named, the complaint may be amended by inserting their names, and they may be summoned in like manner and be proceeded against as if originally named. The court may assess and apportion upon such kindred a sum sufficient for the future support of such ~~pauper person,~~ to be paid ~~quarterly~~ weekly or monthly, until further order ~~and may direct with whom of such kindred consenting thereto and for what time he may dwell, having regard to his comfort and their convenience.~~ On application of the ~~town, the~~ State or person to whom payment was ordered, the clerk may issue or renew a writ of execution returnable to the next term of the court to collect what may be due for any preceding ~~quarter~~ period. The court may, from time to time, make any further order on complaint of a party interested, and after notice given, alter such assessment or apportionment. On failure to sustain a complaint, the respondents recover costs.

Sec. 18. R. S., T. 22, §§ 4468-4482. Repealed. Section 4468, as amended by sections 1 and 2 of chapter 56 of the public laws of 1965 and by chapter 486 of the public laws of 1967, sections 4469 to 4471, section 4472, as amended by chapter 60 of the public laws of 1969, sections 4473 to 4476, section 4477, as amended by chapter 247 of the public laws of 1965, and sections 4478 to 4482, all of Title 22 of the Revised Statutes, are repealed.

Sec. 19. R. S., T. 22, § 4483, amended. Section 4483 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4483. Reimbursement to individuals relieving destitute persons

~~Town~~ The department shall pay expenses necessarily incurred for the relief of ~~paupers destitute persons~~ by ~~an inhabitant~~ a person not liable for their support, after notice and request to the ~~overseers~~ department, until provision is made for them.

Sec. 20. R. S., T. 22, §§ 4484-4490, repealed. Sections 4484 to 4490 of Title 22 of the Revised Statutes are repealed.

Sec. 21. R. S., T. 22, § 4491, amended. Section 4491 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4491. False representations to department

Whoever knowingly and willfully makes any false written representations ~~to the overseers of the poor of any town or city or their agents or to the~~



Department of Health and Welfare or its agents for the purpose of causing himself or any other person to be supported in whole or in part ~~by a town or city or~~ by the State shall be punished by a fine of not more than \$300 or by imprisonment for not more than 11 months.

Sec. 22. R. S., T. 22, §§ 4492-4495, repealed. Section 4492, as amended by section 1 of chapter 292 of the public laws of 1965, sections 4493 and 4494, and section 4495, as enacted by section 1 of chapter 434 of the public laws of 1965, all of Title 22 of the Revised Statutes, are repealed.

Sec. 23. R. S., T. 22, §§ 4496-4498, additional. Title 22 of the Revised Statutes is amended by adding 3 new sections, 4496 to 4498, to read as follows:

§ 4496. Grant, denials, decreases or closings to be confirmed in writing

Any action relative to granting, denial, decreasing or closing of general assistance to an individual or family must be confirmed in writing to the applicant and shall include the specific reason or reasons for such action.

§ 4497. Right to fair hearing

Any person dissatisfied with a decision, act, failure to act or delay in action in regard to his request or application for assistance shall have the right to a fair hearing by the commissioner or his designated representative in the same manner as prescribed in the administration of financial assistance under the Federal Social Security Act.

§ 4498. —Right to pretermination evidentiary hearing

In any instance when it is evident that termination of, suspension of or reduction of assistance is necessary, the recipient shall be given timely and advance notice detailing the reasons for the proposed action and informing the recipient of his right to request an evidentiary hearing. The impending action of termination, suspension or reduction shall not be carried out until the evidentiary hearing has been offered and held and required actions are completed.

Sec. 24. R. S., T. 22, § 4705, amended. Section 4705 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4705. Special officers

~~An overseer of the poor, a~~ A road commissioner, a local health officer and a tribal hall keeper may be appointed by the tribal governor of each of the Indian tribes subject to the approval of the tribal council, if any, of each such tribe. Such officers shall advise with the commissioner and receive compensation for duties performed upon his authorization.

Sec. 25. R. S., T. 22, § 4713, repealed. Section 4713 of Title 22 of the Revised Statutes is repealed.

Sec. 26. R. S., T. 22, §§ 4771 and 4772, repealed. Sections 4771 and 4772 of Title 22 of the Revised Statutes are repealed.

**Sec. 27. R. S., T. 28, § 303, amended.** The 2nd paragraph of section 303 of Title 28 of the Revised Statutes, as amended, is further amended to read as follows:

No licensee by himself, clerk, servant or agent shall sell, offer to sell or furnish any liquor to any person on a passbook or store order, or receive from any person any goods, wares, merchandise or other articles in exchange for liquor, except only such packages or original containers as were originally purchased from such licensee, by the person returning the same. No licensee, by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises shall sell, furnish, give or deliver such malt liquor or table wine to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, ~~to any pauper~~ to persons of known intemperate habits or to any minor under the age of 20 years. No licensee by himself, clerk, servant or agent shall sell, furnish, give, serve or permit to be served any liquor to be consumed on the premises to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, ~~to any pauper~~ to persons of known intemperate habits or to any minor under the age of 20 years. Any licensee who accepts an order or receives payment for liquor from a minor shall be considered as in violation of this paragraph.

**Sec. 28. R. S., T. 28, § 1058, amended.** Section 1058 of Title 28 of the Revised Statutes, as amended by chapter 143 of the public laws of 1965 and by chapter 215 of the public laws of 1967 and by chapter 180 of the public laws of 1969, is further amended to read as follows:

**§ 1058. Furnishing liquor to certain persons prohibited**

Whoever, other than a licensee or his agent within the scope of their employment, knowingly procures or in any way aids or assists in procuring liquor or whoever furnishes, gives or delivers liquor to a minor who may not legally purchase liquor for himself or for any intoxicated persons, ~~pauper~~ mentally ill person or person of known intemperate habits, except that this provision shall not apply to liquor served to a minor in a home in the presence of his parent or guardian, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months, or by both.

**Sec. 29. R. S., T. 30, § 2060, sub-§ 4, amended.** Subsection 4 of section 2060 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 114 of the public laws of 1969, is further amended to read as follows:

**4. Selectmen.** The following provisions apply to selectmen ~~and overseers:~~

**A.** A town may determine at a meeting held at least 60 days before the annual meeting whether 3, 5 or 7 shall be elected ~~to each board~~ and their terms of office.

(1) Once the determination has been made, it shall stand until revoked at a meeting held at least 60 days before the annual meeting.

(2) If a town fails to fix the number, 3 shall be elected. If a town fails to fix the term, it shall be for one year.

~~B. When others have not been elected, the selectmen shall serve as overseers of the poor~~

C. A town may, in electing these officials, designate one of them as chairman of the board.

(1) If no person is so designated, the board shall elect by ballot a chairman from its own membership, before assuming the duties of office. Where no member receives a majority vote, the clerk shall determine the chairman by lot.

D. If the town fails to fix the compensation of these officials at its annual meeting, they shall be paid \$10 each per day for every day actually and necessarily employed in the service of the town.

**Sec. 30. R. S., T. 30, § 2203, sub-§ 5, repealed.** Subsection 5 of section 2203 of Title 30 of the Revised Statutes is repealed.

**Sec. 31. R. S., T. 30, § 5303, amended.** Section 5303 of Title 30 of the Revised Statutes is amended to read as follows:

#### § 5303. Audit

The board is authorized and empowered, in the event that a municipality becomes one year and 6 month in arrears in the payment of its taxes to the State in full or in part or defaults on any bond issue or payment of interest due thereon or refuses or neglects to pay school and other salaries due ~~and has received from the state funds in support of its poor~~, to cause to be made an audit of the financial condition of said municipality at the expense of said municipality, or an investigation of the financial affairs of such municipality that will reveal whether or not its affairs are in such condition that the interest of the State and public necessity in its judgment require that its affairs be taken over and administered under this subchapter and to make such other investigation of the affairs thereof as it shall deem wise to determine the reason for such failure to pay such taxes and indebtedness ~~and the reason for the need for state relief of its poor.~~

~~Whenever any municipality shall make application to the State for funds in support of its poor, the board is authorized and directed to cause to be made the audit and investigation provided for in this section~~

**Sec. 32. R. S., T. 30, § 5614, amended.** Section 5614 of Title 30 of the Revised Statutes is amended to read as follows:

#### § 5614. Money for schools

All plantations may raise and expend money for the support of schools and making and repairing schoolhouses, as provided in Title 20, section 851 ~~and for support of the poor, as provided in Title 22, section 4489~~ and for sums necessary for legal plantation expenses.

**Sec. 33. R. S., T. 34, §§ 1091-1095, repealed.** Sections 1091 to 1095 of Title 34 of the Revised Statutes are repealed.

**Sec. 34. R. S., T. 34, § 1141, amended.** Section 1141 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 1141. House of correction maintained by town**

A town, at its own expense, may build and maintain a house of correction. ~~Until such house of correction is so built, the almshouse or any part thereof may be used for that purpose~~

**Sec. 35. R. S., T. 34, § 1142, amended.** Section 1142 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 1142. Selectmen in charge**

Such house of correction shall be in charge of the ~~overseers of the poor selectmen~~ of the town maintaining the same, who shall have the inspection and government of the same and may establish from time to time such rules and orders not repugnant to law as they deem necessary for governing and punishing persons lawfully committed thereto. ~~When an almshouse is used for a house of correction, the master thereof shall be master of the house of correction, but in other cases the overseers thereof~~ **The selectmen** shall appoint a suitable master, removable at their pleasure, and may fix his compensation. ~~The overseers selectmen~~, from time to time, shall examine into the prudential concerns and management of such house and see that the master faithfully discharges his duty.

**Sec. 36. R. S., T. 34, § 1143, amended.** Section 1143 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 1143. Food and clothing for inmates**

Every person committed to such house of correction shall be supplied with suitable food and clothing and, if sick, with such medical attendance and care as the ~~overseers selectmen~~ order. All expenses incurred for commitment and maintenance, exceeding the earnings of the person confined, shall be paid by the town ~~where such prisoner has his legal settlement maintaining such house of correction or by his the prisoner's kindred.~~

**Sec. 37. R. S., T. 34, § 1145, amended.** Section 1145 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 1145. Insubordination; food abridged**

If a prisoner is stubborn, disorderly, idle, refractory or refuses to perform his appointed task in a proper manner, the master may abridge his supply of food until he complies with the reasonable requirements of the master and ~~overseers selectmen~~.

**Sec. 38. R. S., T. 34, §§ 1146 and 1147, repealed.** Sections 1146 and 1147 of Title 34 of the Revised Statutes are repealed.

**Sec. 39. R. S., T. 34, § 1148, amended.** Section 1148 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 1148. Earnings and expenditures of prisoners accounted for; excess**

The master shall keep an exact account of the earnings of each prisoner and of the expense incurred for commitment and maintenance, specifying the time of his commitment and liberation, and present it, on oath, to the ~~overseers of the poor~~ selectmen of the town where such house is established, annually and oftener if directed. ~~The town may recover the amount of such expenses after deducting the earnings of the prisoner from the town where such prisoner has his legal settlement.~~ If such account shows the earnings of such prisoner to exceed the expenses incurred for commitment and maintenance of said prisoner, such excess may be paid by the ~~overseers of the poor~~ selectmen to or for the benefit of the dependent family or kindred of said prisoner.

Sec. 40. R. S., T. 34, § 1149, amended. Section 1149 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 1149. Remedy against family**

If there are kindred, obliged by law to maintain the prisoner as provided in Title 22, section 4467, such master ~~or the town obliged to pay his account~~ has the same remedy against such kindred as is provided in Title 22, chapter ~~125~~ for towns the State incurring expense for relief and support of ~~paupers~~ indigent persons.

Sec. 41. R. S., T. 34, § 1150, amended. Section 1150 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 1150. Persons committed only on conviction**

Persons shall be committed to ~~workhouse or~~ houses of correction only upon conviction of the offenses, acts or conditions for which such commitments are by law authorized before the District Court. ~~Commitments to workhouses may be for terms of not more than 3 months~~

Sec. 42. R. S., T. 34, § 2421, sub-§ 1, amended. The last 2 sentences of subsection 1 of section 2421 of Title 34 of the Revised Statutes are amended to read as follows:

The department, after being made chargeable in the first instance for such expenses, shall recover amounts paid under this section from the proposed patient if able to pay, or from persons legally liable for his support under section 2512 if able to pay ~~or from the town of legal settlement of the proposed patient as if incurred for the expenses of a pauper.~~ ~~No proposed patient under sections 2331, 2376 and 2377 shall suffer any of the disabilities of pauperism or be deemed a pauper by reason of his inability to pay any of such expenses of examination or commitment~~

Sec. 43. R. S., T. 34, § 2421, sub-§ 2, amended. Subsection 2 of section 2421 of Title 34 of the Revised Statutes is amended to read as follows:

2. Payment of expenses of indigent patients. If the department shall determine that neither the proposed patient nor any person liable for support under section 2512 is able to pay expenses of examination and commitment

it shall certify that fact to the Department of Health and Welfare, which department shall determine whether the proposed patient has a legal settlement within the State. If it is determined that the proposed patient has a legal settlement with the State, the Department of Mental Health and Corrections shall seek reimbursement from the municipality of legal settlement. If it is determined that there is no legal settlement within the State, the Department of Health and Welfare shall reimburse the Department of Mental Health and Corrections for expenditures made under subsection 1.

**Sec. 44. R. S., T. 34, § 3002, amended.** The 2nd paragraph of section 3002 of Title 34 of the Revised Statutes is amended to read as follows:

All funds collected from this source shall be credited to the General Fund. ~~No pauper disabilities shall be created by reason of any aid or assistance given under this section~~

**Sec. 45. R. S., T. 37, § 102, amended.** The last sentence of section 102 of Title 37 of the Revised Statutes is repealed as follows:

~~During the period that such aid is being paid, the recipient thereof shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement and no person receiving such aid under this subchapter shall be considered a pauper~~

**Sec. 46. R. S., T. 37, §§ 151, 152 and 154, repealed.** Section 151, section 152, as amended by section 8 of chapter 67 of the public laws of 1967, and section 154, all of Title 37 of the Revised Statutes are repealed.

**Sec. 47. Transfer of full-time employees.** Any person who on the effective date of this Act is a full-time salaried employee in any municipal office or department charged with full-time duties relating to administering municipal relief and who upon date of request is in such full-time employment, excepting any person employed as director in any municipal office or department charged with full-time duties relating to administering municipal relief, may request the Director of Personnel or the Commissioner of Health and Welfare for transfer to employment in the Department of Health and Welfare. Thereupon such person shall be employed at a salary no less than that he is receiving from the municipality at the time of the transfer for full-time employment without being subject to merit examination or probation status. From the date of transfer to full-time employment in the Department of Health and Welfare such persons will be subject to the same job classification and performance standards as present employees of the Department of Health and Welfare who have attained permanent status, with the exception that their salaries shall be no less than they received from the municipality on date of transfer. Duties and responsibilities of transferred employees shall be established by the Commissioner of Health and Welfare. Any such transfer employee, if not already a member of the Maine State Retirement System, shall be allowed creditable service for a determination of his retirement benefits, provided such employee, prior to the date any retirement benefits become effective for him, makes contributions into the Members' Contribution Fund for the years of municipal service on the same basis as he would

have made contributions had such service been under the State Retirement System. The commissioner is authorized to establish with the municipal officers, on a contract basis, the conditions and circumstances by which municipal service offices will be maintained.

**Sec. 48. Appropriation.** There is appropriated from the General Fund the sum of \$19,000,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1971-72	1972-73
HEALTH AND WELFARE, DEPARTMENT OF		
General Assistance		
Personal Services	\$ 500,000	\$ 530,000
All Other	1,575,000	1,850,000
Capital Expenditures	45,000	—
Increasing Percentage of Need Met		
AFDC		
All Other	6,500,000	7,000,000
AABD		
All Other	500,000	500,000
	<u>\$9,120,000</u>	<u>\$9,880,000</u>

**Sec. 49. Effective date.** The effective date of this Act shall be January 1, 1972.

#### STATEMENT OF FACT

In September 1968, the Citizen's Task Force on Intergovernmental Welfare Programs recommended that Maine's archaic and obsolete poor laws be repealed and a state financed and administered program of general assistance be established in its place. This Act would implement the recommendation of the Citizen's Task Force on Intergovernmental Welfare Programs and replace Maine's 17th Century poor relief machine with a 20th Century social welfare program.