

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1003**

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H. P. 741

House of Representatives, February 19, 1971

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Kelley of Caribou.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT to Improve the Efficiency and Fairness of the Local Welfare System.**

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

**Sec. 1.** 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. Establishment of rules and regulations**

A program for municipal support of the poor under this chapter shall be operated and administered in accordance with written rules and regulations. Such rules and regulations shall include standards of eligibility for the receipt of general assistance. Such rules and regulations shall be posted in the town office and otherwise easily accessible to any member of the public. Within 6 months after the effective date of this section, each municipality shall present to the Commissioner of Health and Welfare for his approval a copy of the rules and regulations. Any amendment to or modification of the municipal welfare rules and regulations shall be submitted to the commissioner for his approval.

**Sec. 2.** 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, denial, reduction or termination to be communicated in writing; right to a hearing**

Any action relative to the grant, denial, reduction or termination of relief provided under this chapter must be communicated in writing and shall include the specific reason or reasons for such action and shall state that the person affected has a right to a hearing.

**§ 4497. Right to pretermination evidentiary hearing**

In any instance when it is evident that termination, suspension or reduction of relief 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. Such hearing shall be held before an impartial decision maker and the person requesting the hearing shall be afforded the right to confront and cross-examine any witnesses against him, present witnesses in his own behalf, and be represented by counsel or other spokesman if he so desires. The decision of such a hearing shall be based solely on evidence adduced at the hearing. The person requesting the hearing shall within a reasonable time after the hearing be furnished with a written decision detailing the reasons for such decision. The impending action of termination, suspension or reduction shall not be carried out until the evidentiary hearing has been offered or held, or both, and written notice of the decision has been given.

**§ 4498. Right to fair hearing**

Any person aggrieved with a decision, act, failure to act or delay in action in regard to his request or application for relief under this chapter shall have the right to a hearing before the overseers or their designated representative. Such hearing shall conform to the procedures detailed in section 4497. Review of any action or failure to act under this chapter shall be pursuant to Rule 80-B of the Maine Rules of Civil Procedure.

**STATEMENT OF FACT**

A crisis exists in many of our Maine communities with the absence of rules and regulations pertaining to the granting of municipal welfare assistance. Both municipal officials and welfare applicants are frustrated by the absence of rules on welfare eligibility. This problem has often resulted in law suits brought against towns by aggrieved welfare applicants. This bill endeavors to make the administration of local welfare fairer to all concerned.