

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 617

H. P. 469

House of Representatives, February 1, 1973

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Gahagan of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

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

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 available in the town office and otherwise easily accessible to any member of the public. Notice to that effect shall be posted. Within 6 months after the effective date of this section, each municipality shall present to the Commissioner of Health and Welfare for filing, 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 filing. Filing would be prima facie evidence of adoption and, if no standards and guidelines are filed within 6 months after adoption, those published by Maine Municipal Association will govern unless or until the municipality adopts and files its own standards and guidelines.

Sec. 2. R. S., T. 22, §§ 4497-4499, additional. Title 22 of the Revised Statutes is amended by adding 3 new sections 4497 to 4499, to read as follows:

§ 4497. 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.

§ 4498. 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 advanced notice detailing the reasons for the proposed action and informing the recipient of his right to request an evidentiary hearing within 2 working days within receipt of the notice by the applicant. Said hearing shall not be held before the person or body proposing the termination, suspension or reduction. 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, and advised of these rights in writing. 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.

§ 4499. 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 representatives. Such hearing shall conform to the procedures detailed in section 4498. 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.