

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2254**

H. P. 1782

House of Representatives, January 2, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mrs. White of Guilford.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT to Integrate the Maine Statutes with the Federal Supplemental Security Income Program.**

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

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Federal Government has terminated as of January, 1974, its funding of Maine's program of Aid to the Aged, Blind and Disabled; and

Whereas, many Maine residents who are in need and currently are receiving assistance will receive substantially less benefits under the new federal program of Supplemental Security Income; and

Whereas, the new federal program calls upon the various states to assure that their needy citizens will not have their benefits reduced from the amount of assistance that they received under the state programs in December, 1973; and

Whereas, this Act is necessary to maintain current levels of assistance provided to the aged, blind and disabled under the new Federal Supplemental Security Income Program that becomes effective in January, 1974; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 22, § 3301, sub-§ 1, amended.** Subsection 1 of section 3301 of Title 22 of the Revised Statutes, as amended by section 1 of chapter 503 of the public laws of 1965, is further amended to read as follows:

1. **Aid.** "Aid" means money payments to, or in behalf of or medical care or any type of remedial care or any related services to needy individuals who qualify for ~~aid to the aged, blind or disabled~~ **assistance under chapters 951 to 957.**

**Sec. 2. R. S., T. 22, § 3302, amended.** Section 3302 of Title 22 of the Revised Statutes, as amended by section 1 of chapter 160 of the public laws of 1969, is further amended to read as follows:

**§ 3302. Treasurer of State as agent**

The Treasurer of State shall be the appropriate officer of the State to receive ~~available~~ federal grants ~~on account of aid to the aged, blind, permanently disabled or the medically indigent, and administration thereof for programs for which the department may be eligible to receive federal funding in accordance with the Federal Social Security Act, and the State Controller shall authorize expenditures therefrom as approved by the department.~~

**Sec. 3. R. S., T. 22, § 3351, amended.** Section 3351 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 3351. Powers and duties of department**

The department ~~shall is authorized to administer the law relating to a program of aid to the aged, blind or disabled, and a program of medical or remedial care and services for medically indigent persons who are not recipients of aid to dependent children or aid to the aged, blind or disabled.~~ It is empowered to employ, subject to the Personnel Law, such assistants as may be necessary to carry out chapters 951 to 959 and to coordinate their work with that of the other social welfare work of the department.

The department is authorized and empowered to make all necessary rules and regulations for the administration of ~~this aid~~ **these programs**, including, but not limited to, **establishing conditions of eligibility and types and amounts of aid to be provided**, and defining the term "medically indigent," and the type of medical care to be provided ~~the amount to be paid for hospitalization and the length of hospitalization allowed during a fiscal year.~~

The department shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the department. The use of such records, papers, files and communications by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the law under which they may be furnished.

All moneys made available under chapters 951 to 959 shall be expended under the direction of the department, and the department is empowered to direct the expenditures therefrom of such sums as may be necessary for the

purposes of administration. ~~All aid granted under such chapters shall be paid monthly by the State.~~

**Sec. 4. R. S., T. 22, § 3353, sub-§ 1, amended.** Subsection 1 of section 3353 of Title 22 of the Revised Statutes is amended to read as follows:

1. **Apply for assistance.** Apply for available federal assistance under ~~Title XVI~~ of the Federal Social Security Act and Acts amendatory thereof and additional thereto; and to comply with such conditions, not inconsistent with chapters 951 to 959, as may be required for such assistance;

**Sec. 5. R. S., T. 22, § 3401, repealed and replaced.** Section 3401 of Title 22 of the Revised Statutes, as amended by section 1 of chapter 364 of the public laws of 1965 and section 1 of chapter 230 of the public laws of 1967, is repealed and the following enacted in place thereof:

**§ 3401. Application for aid**

Application for aid under chapters 951 to 957 shall be made to the department on forms provided by the department. Said applications shall contain such information as may be required by the department.

**Sec. 6. R. S., T. 22, § 3402, repealed and replaced.** Section 3402 of Title 22 of the Revised Statutes, as amended by section 1 of chapter 262 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 3402. Eligibility**

The department, in the rules and regulations established pursuant to section 3351, shall set forth conditions of eligibility for assistance under chapters 951 to 957. Such conditions shall provide that aid may be granted only to any applicant who:

1. **Qualifications.** If an applicant for aid to the aged, blind or disabled meets the definitional qualifications set forth in section 3301;

2. **Income.** Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

3. **Residence.** Is living in the State at the date of the application;

4. **Inmate.** Is not an inmate of any public institution, except as a patient in a medical institution as provided in section 3301; but an inmate of such an institution may file application for aid under chapters 951 to 957, and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution;

The department may take into consideration such additional factors as it deems necessary in establishing conditions of eligibility including but not limited to the availability of funds to the department for the operation of such assistance programs. The department may also require, as a condition of eligibility, that any applicant for or recipient of assistance under these programs must apply for any aid or assistance that may be available under any other federal or state programs operated pursuant to the provisions of the

Federal Social Security Act, if it reasonably appears that such applicant or recipient is likely to be eligible for assistance under such other programs.

**Sec. 7. R. S., T. 22, § 3404, repealed and replaced.** Section 3404 of Title 22 of the Revised Statutes, as amended by chapter 298 of the public laws of 1965 and section 1 of chapter 228 of the public laws of 1967, is repealed and the following enacted in place thereof:

**§ 3404. Amount of aid**

The amount of aid which any person shall receive shall be determined on a budgetary basis in accordance with the rules and regulations made by the department. In establishing the amounts and types of aid to be provided, the department shall take into account the availability of resources to the department to provide such assistance and other resources available to the applicant or recipient through other programs such as those provided for by the Social Security Act.

**Sec. 8. R. S., T. 22, § 3406, repealed and replaced.** Section 3406 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 3406. Change of circumstances**

If at any time during the receipt of assistance the circumstances of the recipient in regard to living arrangements, income or resources change, it shall be the responsibility of the recipient or someone duly acting in his behalf to notify the department immediately of such change. The department may then take appropriate action relating to the new circumstances in accordance with its rules and regulations.

**Sec. 9. R. S., T. 22, § 3407, amended.** Section 3407 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 3407. Suspension of aid**

Appropriations for ~~aid to the aged, blind or disabled, and for medical or remedial care and services for the medically indigent~~ assistance under chapters 951 to 957 when used in programs entitled to receive federal matching funds shall not lapse but shall be a continuing account so long as federal grants are available to match the state's contribution. No payments matchable by federal funds shall be made out of said account if federal grants or state appropriations are withdrawn, except that medical or remedial care or services contracted for before the date of such withdrawal shall be paid. ~~If at any time the grant available to match funds provided by law and to be distributed under chapters 951 to 959 shall cease to be available, the Governor shall forthwith publicly so proclaim, and upon date of such proclamation said chapters shall be suspended.~~ Any money left in said fund in the event of withdrawal of federal grants or state appropriations shall be divided between the State and the Federal Government in proportion to the amount contributed by each.

**Sec. 10. R. S., T. 22, § 3412, additional.** Title 22 of the Revised Statutes is amended by adding a new section 3412 to read as follows:

**§ 3412. Supplemental security income**

The department is authorized to enter into agreements with the United States Department of Health, Education and Welfare, as may be authorized by federal statutes or regulation, to supplement the income to be received or received by recipients of aid to the aged, blind and disabled under the Federal Supplemental Security Income Program so that the amount of monthly income of any recipient beginning in January 1974 under the Federal Supplemental Security Income Program shall be at least equal to and in no event less than the amount of his monthly income during December 1973 under the state program of aid to the aged, blind and disabled.

Pursuant to agreements under this section, the Treasurer of State is authorized to allocate funds to the appropriate agency of the United States Government.

**Sec. 11. R. S., T. 22, §§ 3303 and 3409, repealed.** Section 3303 and section 3409, as amended by section 1 of chapter 522 of the public laws of 1971, of Title 22 of the Revised Statutes, are repealed.

**Sec. 12. Effective date.** This Act shall be retroactive to January 1, 1974.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

**STATEMENT OF FACT**

This Act is necessary to properly relate and integrate our statutes with the new Federal Supplemental Security Income Program that becomes effective January 1, 1974, and provides basic income maintenance for those people, and types of people, formerly included in our programs of Aid to the Aged, Blind and Disabled.