

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 94

S. P. 42

In Senate, January 7, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Conley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Providing Emergency Assistance to Needy Families with Children.

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

Whereas, the people of the State of Maine have been severely affected by shortages and high costs of energy; and

Whereas, it is the policy of the State of Maine to assure that all citizens have an adequate supply of energy, and that energy is not distributed on the basis of income or geographic location; and

Whereas, many Maine families with children have become eligible for temporary emergency assistance as a result of dramatically increased fuel costs; 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. 22 MRSA, c. 1054 is enacted to read:

CHAPTER 1054

**EMERGENCY ASSISTANCE TO NEEDEY FAMILIES
WITH CHILDREN**

§ 3771. Program established

The Department of Health and Welfare shall administer and operate a program of emergency assistance to needy families with children within the Federal Social Security Act, and any amendments and additions thereto, so long as federal aid is available. A plan for the administration of this program shall be developed in the manner provided in Title 22, section 3702.

§ 3772. Emergency assistance defined

For purposes of this chapter, the term "emergency assistance" means aid, care and services furnished for a period not in excess of 30 consecutive days in any 12-month period, in the case of a needy child under the age of 21 who is living with a person related to him by blood, marriage or adoption, who is eligible to receive aid to dependent children on his behalf pursuant to the Federal Social Security Act.

§ 3773. Eligibility

Emergency assistance to needy families with children shall be provided in accordance with the plan established by the department for children who are without available resources when such assistance is necessary to avoid destitution or to provide them with living arrangements in a home, and such destitution or such need did not arise because such children or relatives refused without good cause to accept employment or training for employment.

§ 3774. Payments to guardian or conservator

When a relative with whom a child is living is found by the department to be incapable of taking care of his money, payment shall be made only to a legally appointed guardian or conservator and, notwithstanding Title 18, section 3701, in the matter of infirmities of age or physical disability, to manage an estate with prudence and understanding, the probate court may appoint any suitable person as a conservator.

§ 3775. Any inalienability of assistance

All rights to aid shall be absolutely inalienable by any assignment, sale, execution, pledge or otherwise and shall not pass, in case of insolvency or bankruptcy, to any trustee, assignee or creditor.

§ 3776. Fraud in obtaining aid, civil recovery

Any sums paid to, or in behalf of, any person under this chapter as a result of any false statement, misrepresentation or concealment of assets or income, may be recovered in a civil action brought by the department against the person to whom such money was paid.

§ 3777. Federal grants

The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants on account of emergency assistance to needy families with children and administration thereof, as contemplated by the Federal Social Security Act, and the State Controller shall authorize expenditures therefrom as approved by the department.

Sec. 2. Appropriation. There is appropriated from the General Fund to

the Department of Health and Welfare the sum of \$1,000,000 to carry out the purposes of this Act. Moneys spent under this program shall be matched by an equal or greater amount of matching dollars from the U. S. Department of Health, Education and Welfare under 42 U.S.C.A. 601, et seq. The breakdown shall be as follows :

	1975-76	1976-77
HEALTH AND WELFARE, DEPARTMENT OF		
All Other	\$500,000	\$500,000

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

STATEMENT OF FACT

The purpose of this bill is to assure that financial assistance is available for needy families with children who have become eligible for assistance due to the conditions contained in section 3773 of the bill as a result of exceedingly high fuel costs. There is substantial federal money available to the State for this purpose if the provisions of this bill are enacted.