

# MAINE STATE LEGISLATURE

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 892, L.D. 1067, Bill, "AN ACT to Revise the Laws Relating to the Administration of General Assistance."

Amend said Bill by striking everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. 22 MRSA, §4504, as enacted by PL 1973, c. 788, §94, is repealed and the following enacted in place thereof:

§4504. 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 promulgated by the municipal officers of municipalities and approved by the commissioner of Health and Welfare. These rules and regulations shall be available in the municipal office and otherwise easily accessible to any member of the public. Notice to that effect shall be posted.

These rules and regulations shall be based on written standards which shall:

1. Application. Provide that all individuals wishing to make application for assistance shall have an opportunity to do so in writing and that said individuals shall be notified of the decision on their application within 24 hours, with assistance to be provided within 24 hours to all eligible individuals.

2. Conditions of eligibility. Provide that the only conditions of eligibility shall be that:

A. ~~an~~ applicant's need is greater than income which is actually available to him;

B. ~~assets~~ do not exceed allowable maximum;

C. ~~the~~ applicant is employed, or has registered with the Maine Employment Security Commission, or is exempt therefrom.

3. Benefits. Provide that all benefits shall be paid in cash.

4. Monetary amounts. Provide that all monetary amounts set forth in the rules are:

A. ~~sufficient~~ to insure that recipients live in minimum decency and health;

B. adjusted annually to reflect changes in the cost of living.

5. Emergency provisions. Provide that applications for emergency assistance can be accepted every day of the week, that all applicants for emergency assistance will be notified in writing of the decision on their application within 24 hours

and that emergency assistance can be made available within 24 hours of an application to eligible individuals in each municipality in the State.

Within 6 months after the effective date of this Act, each municipality shall present to the commissioner, for approval and filing, a copy of these rules and regulations. Any amendment or modification of the municipal welfare rules and regulations shall be submitted to the commissioner for approval and filing. If any rules or regulations, or amendment or modification thereof, are not approved by the commissioner, the municipality shall submit to the commissioner a revision of these rules, regulations, amendment or modification no later than one month after the municipality has received from the commissioner a notice of disapproval. If a municipality fails to present the commissioner with acceptable rules and regulations, or acceptable amendment or modification thereof, the commissioner shall promulgate the necessary rules and regulations for that municipality.

Sec. 2. 22 MRS §4508 is enacted to read:

§4508. Right to state fair hearing

Although the decision may be carried out by the municipality

after the local hearing, any person aggrieved with a local hearing decision may appeal to the Commissioner of Health and Welfare for a fair hearing to be conducted at the state level by a state hearing officer designated by the commissioner.

Such fair hearing request shall be acknowledged by the department within 5 days of its receipt and a hearing scheduled within 2 weeks of the receipt of request. Final decision shall be made in writing by the commissioner within 30 days of the receipt of request.

The decision of the commissioner shall be based on rules, regulations and standards of the respective municipalities. The decision of the Commissioner of Health and Welfare shall be binding upon the municipality. Review of any action or failure to act under this chapter shall be pursuant to the Maine Rules of Civil Procedure, Rule 80B.

Nothing in this section shall infringe upon the right of the person to reapply for assistance at any time.

Sec. 3. 22 MRSA, §4459-A, as amended by PL 1973, c. 681, §6, is repealed.'

#### Statement of Fact

The primary purpose of this amendment is to require the Commissioner of Health and Welfare to approve welfare rules

and regulations. promulgated by the municipalities. The amendment delineates certain standards on which these rules and regulations must be based.

Additionally, for purposes of clarification, the amendment drops section 1 of the original bill, enactment of which would have been inconsistent with 22 M.R.S.A. §§4505 and 4507. Finally, in order to make section 2 of the bill consistent with §4505, 4506 and 4507, §4507 is not repealed. Rather, section 2 of the amendment designates the section dealing with the right to a state fair hearing as §4508.

Reported by the Minority of the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.  
6/9/75

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