

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1067

H. P. 892

House of Representatives, March 13, 1975

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

EDWIN H. PERT, Clerk

Presented by Mrs. Mitchell of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Revise the Laws Relating to the Administration of General Assistance.

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

Sec. 1. 22 MRSA § 4506, first, 2nd and last sentences, as enacted by PL 1973, c. 788, § 94, are repealed and the following enacted in place thereof:

In any instance when it is proposed to deny assistance or to terminate, suspend or reduce relief being provided, the applicant or recipient shall be given timely and advanced notice detailing the reasons for the proposed action and informing the person of his right to request a hearing within 5 days following receipt of the notice by the person, which hearing shall be held within 30 days of receipt of said request. Said hearing shall be held before a board of not less than 3 persons, no one of whom shall be the person proposing the denial, termination, suspension or reduction, or the person involved in developing the general assistance policies at the local level.

The impending action of denial, termination, suspension or reduction shall not be carried out until the hearing has been offered or held, or both, and written notice of the decision has been given.

Sec. 2. 22 MRSA § 4507, as enacted by PL 1973, c. 788, § 94, is repealed and the following enacted in place thereof:

§ 4507. 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 at the state level.

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 will 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 re-apply for assistance at any time.

STATEMENT OF FACT

Presently, if a person is aggrieved with the local hearing decision pertaining to general assistance, his or her only recourse is through the courts, a course of action which would considerably delay review.

This bill gives an alternative of a more timely nature which infringes on neither the right to court review of the individual nor of the municipality.