

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

**Legislative Document**

**No. 1070**

H. P. 859

House of Representatives, March 5, 1979

On Motion of Mrs. Prescott of Hampden, referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Brenerman of Portland.

Cosponsor: Ms. Benoit of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT Relating to General Assistance.**

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

**Sec. 1. 22 MRSA § 4497**, as last amended by PL 1977, c. 417, § 8, is further amended by adding at the end the following new paragraph:

**The Department of Human Services shall conduct an annual review of the general assistance program in each municipality. These reviews and other general assistance information supplied to the department pursuant to statute shall be summarized and submitted to the Legislature annually. The department's submission shall include a listing of all towns that have not been in substantial compliance with any of the statutory requirements of this chapter for any period of time during the year in question.**

**Sec. 2. 22 MRSA § 4500**, as amended by PL 1975, c. 293, § 4, is further amended by adding at the end the following new paragraph:

**Whenever the Commissioner of Human Services, after reasonable notice and opportunity for hearing to the municipal officers of the affected municipality, determines that the municipality has failed to substantially comply with any provision of this chapter, he shall certify the noncompliance to the Treasurer of**

**State. Upon the certification of noncompliance, the Treasurer of State shall withhold all payments made by the State to the affected municipality pursuant to Title 30, section 5055. All funds withheld pursuant to this section shall be retained in the Local Government Fund for future distribution pursuant to the statutory disbursement formula governing the fund. Upon determination by the commissioner that the affected municipality is no longer out of compliance with any provision of this chapter, he shall so notify the Treasurer of State, who shall then authorize prospective payments from the Local Government Fund.**

**Sec. 3. 22 MRSA § 4504, sub-§ 2, as enacted by PL 1977, c. 417, § 12, is amended to read:**

**2. Availability of ordinance. ~~each such~~ Copies of each ordinance shall be available, free upon request, in the town municipal office and shall otherwise be easily accessible to any member of the public. Notice to that effect, including the hours during which applications shall be taken, shall be posted conspicuously posted in the municipal office.**

**Sec. 4. 22 MRSA § 4504, sub-§ 3, ¶ B, as enacted by PL 1977, c. 417, § 12, is amended to read:**

**B. Provide that all individuals wishing to make application for relief shall have the opportunity to do so during a minimum of 15 hours a week of which at least 3 hours shall be at times other than 8:00 a.m. to 5:00 p.m. and at all times when the municipal office is open to the public; and**

**Sec. 5. 22 MRSA § 4504, sub-§ 4, as enacted by PL 1977, c. 417, § 12, is amended to read:**

**4. Ordinance filed. Each municipality shall present a copy of the ordinance establishing eligibility and other program standards to the Commissioner of Human Services within 30 days of enactment of this section. Any amendment or modification of the municipal ordinance shall be submitted to the commissioner for filing within 10 days of final approval by the municipal officers of the municipality.**

**Failure of a municipality to present the ordinance and any amendments or modifications to the commissioner within the required time limits shall cause the provisions to be null and void. The general assistance program of any municipality that has not met the filing requirements of this section shall be conclusively presumed to be operating pursuant to the Department of Human Services' "General Assistance Policy and Standards for Unorganized Townships with State Agents," as amended and in effect at the time the issue arises.**

**Sec. 6. 22 MRSA § 4505, as amended by PL 1975, c. 574, § 3, is further amended to read:**

**§ 4505. Grant, denial, reduction or termination to be communicated in writing; right to a hearing**

Any action relative to the grant, denial, reduction, suspension or termination of relief provided under this chapter must be communicated to the applicant or recipient in writing, ~~and~~ **This notice** shall include the specific reason or reasons for such action, ~~and~~ shall state that the person affected has a right to a **fair and impartial hearing before a state hearing officer, shall disclose how and where to request a hearing under section 4507 and shall indicate the availability and location of any program of free legal representation in the area.** All proceedings relating to the grant, denial, reduction, suspension or termination of relief provided under this chapter are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant or recipient.

**Sec. 7. 22 MRSA § 4507, first ¶**, as repealed and replaced by PL 1977, c. 417, § 14, is amended to read:

**§ 4507. Right to a fair hearing**

Any person aggrieved with a decision, act, failure to act or delay in action concerning his application for general assistance under this chapter shall have the right to a fair hearing **before a state hearing officer.** If a person's application has been approved there shall be no revocation of general assistance during the period of entitlement until that person has been provided notice and an opportunity for hearing as provided in this section. After 24 hours from the time a person applies for general assistance, or immediately after a person receives notice that an approved application has been revoked, that person may request a hearing within ~~5~~ **10** working days. **All such requests shall be made directly to the Department of Human Services, who shall notify the affected municipality of the request for a hearing within 24 hours of receiving it.** A hearing shall be held by ~~the municipality~~ **a state hearing officer** within ~~7~~ **14** days following the receipt of a written request by the applicant for a fair hearing.

**Sec. 8. 22 MRSA § 4507, 2nd ¶** as repealed and replaced by PL 1977, c. 417, § 14, is repealed and the following enacted in its place:

**Except as provided in section 4504, subsection 4, all fair hearing decisions shall be determined in accordance with applicable local ordinances and the substantive provisions of this chapter.**

**Sec. 9. 22 MRSA § 4508**, as enacted by PL 1975, c. 574, § 4, is amended by adding a new sentence at the end to read:

**Any person who intentionally or knowingly violates this standard of confidentiality shall be guilty of a Class E crime.**

STATEMENT OF FACT

This bill will result in greater compliance with the statutory requirements of the general assistance program by clarifying certain provisions and adding an enforcement mechanism to assure that the present pattern of widespread, arbitrary non-compliance by some municipalities will cease.

Section 1 requires the Department of Human Services to report to the Legislature the results of their annual review of the general assistance program in each municipality.

Section 2 enables the Commissioner of Human Services, after a formal hearing, to cause the temporary cessation of state funds to any municipality found to be in substantial noncompliance with state general assistance laws.

Section 3 clarifies the requirement that copies of a municipality's general assistance ordinance must be available to the public.

Section 4 establishes minimum time requirements during which applications must be accepted by a municipality.

Section 5 clarifies the present requirement that municipal general assistance ordinances must be filed with the State and provides that the failure to do so will lead to the invocation of alternate guidelines.

Section 6 specifies what information must be included in a written decision to an applicant or recipient.

Sections 7 and 8 require that all appeals from a municipality's decision on a general assistance application must be heard by a state hearing officer.

Section 9 enacts an enforcement mechanism for individuals who violate the present requirements of confidentiality.