

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1264

S. P. 403

In Senate, March 15, 1979

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

Presented by Senator Conley of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Conform State Statutes to the Federal Food Stamp Program.

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

22 MRSA § 3104, sub-§§ 4-12 are enacted to read:

4. Mail issuance of coupons. The department shall institute a system of mail issuance of all food stamp coupon allotments through a direct coupon mailing system as authorized by and in conformity with regulations promulgated by the United States Department of Agriculture.

All food stamp recipients shall receive their coupons through the mail issuance system unless they specifically request to pick up their coupons from an issuance office. In all municipalities with a population of more than 10,000 the department shall contract with at least one agency which will serve as the issuance outlet for the area.

5. Outreach. The department shall initiate and monitor ongoing efforts performed cooperatively with other public and private agencies, religious, business and civic groups, medical providers, professional associations, community organizations, unions, news media and other groups, organizations and associations to inform low-income households potentially eligible for the food stamp program of the availability and benefits of the program and to insure the participation of eligible households which wish to participate by providing those households with reasonable and convenient access to the program.

The department shall print and distribute on an annual basis at least as many informational brochures or pamphlets concerned exclusively with the food stamp program as there are individuals potentially eligible for the program. This printed information shall be distributed at food stamp certification offices and all public assistance and general assistance offices, and shall be made available to local social security offices, state employment services offices, local offices that administer unemployment compensation programs and private groups and agencies that work with low-income households.

The department shall produce and distribute, at least twice a year, public service announcements concerning the food stamp program to all radio and television stations serving the people of this State.

The department shall supply adequate numbers of applications for the food stamp program to any public or private agency or group that serves a significant number of low-income households.

The department shall set goals and target specific demographic groups whose participation in the food stamp program is proportionately low. These groups shall include, at a minimum, the elderly, physically or mentally disabled persons and recipients of other governmental benefits.

The department shall allocate adequate personnel and resources to assure participation of at least 70% of all potentially eligible households in calendar year 1980 and 90% of all potentially eligible households in calendar year 1981 and thereafter.

6. Bilingual requirements. The department shall print and distribute brochures or pamphlets concerning the food stamp program in other languages as it deems necessary. The department shall prepare public service announcements in French for distribution to appropriate newspapers and radio and television stations. All applicants and recipients shall be asked if they would prefer to receive notices regarding their participation in the program in another language. Any individual indicating a preference for receiving notices in French shall have his request honored. If significant numbers of individuals indicate a preference for receiving notices in another language, the department shall take all reasonable steps to meet that preference as well.

7. Training. The department shall institute a continuing training program for food stamp eligibility workers, hearing officials, performance reporting staff reviewers and for outreach staff, including hotline operators and individuals involved in prescreening activities.

Training shall also be provided to volunteers and to the staff of other organizations and agencies that provide services to low-income households, as well as to all organizations and agencies that the department identifies in its outreach plan as being used for outreach activities, prescreening and providing program information. The training shall be offered at least once a year and shall be in sufficient detail and frequency to insure that accurate and complete information is provided to low-income households.

The department shall notify all groups and organizations identified in its outreach plan, as well as other groups and organizations that can assist in contacting low-income households, of the availability of training and of printed materials on program requirements.

8. **Verification of information.** The department shall establish uniform verification of information requirements to insure that all certification workers apply the same standards of verification to all applicants and recipients. The standards shall specify the types and amount of verification that is required to satisfy federal regulations and to assure that all applicants and recipients will be treated in the same manner.

9. **Certification periods.** The department shall establish a definite period of time within which a household shall be eligible to receive food stamp benefits. At the expiration of each certification period, entitlement to food stamp benefits ends.

Households shall be assigned the longest certification periods possible based on the predictability of the household's circumstances. Except as required by federal regulations, households shall be certified for a 6-month period if no significant change in income or household status is reasonably anticipated.

10. **Information on notice of denial.** All notices of denial, reduction of benefits, termination of benefits, fraud claims, nonfraud claims or other adverse actions shall include information on the availability of free legal representation in the geographic area and shall include, at a minimum, the appropriate address and telephone number for these services.

11. **Waiver of interview.** The department shall insure that all applicants and recipients are informed of their right to have the requirement for a face-to-face interview waived if no member of the household is able to come to the food stamp office because he is 60 years of age or older, or is mentally or physically handicapped.

12. **Delays in determination.** When the department is at fault, as defined by federal regulations, for failing to complete the processing of an application within 60 days from initial application, the department shall immediately and automatically issue maximum monthly food stamp benefits for the household in question until such time as the department makes a final determination on the application. Any benefits received by the household during the interim period shall not be recoverable by the department in any legal or administrative proceeding against the household. The rights of the household to receive retroactive benefits for the period prior to the interim period shall in no way be abridged by receipt of benefits during the interim period.

STATEMENT OF FACT

The Food Stamp Act of 1977 significantly changed federal regulations governing the operation of the food stamp program by the states. By making additions to the current state food stamp statute, this bill addresses various federal requirements in assuring a more efficient and equitable program.

At a time when most private food stamp issuance agents in Maine are withdrawing from the program because of the low reimbursement rate and administrative difficulties, this bill creates an alternative mechanism for distributing food stamp coupons. Over 35 states are currently utilizing either a partial or full mail issuance system for direct distribution of food stamps to eligible recipients.

The bill sets forth specific departmental responsibilities for expanding public awareness about the program. Since less than half of the eligible individuals in the State are presently receiving food stamps, an aggressive outreach plan is required. This will include materials and public service announcements to be available in French.

In an effort to keep the state's error rate as low as possible and to assure that accurate program information is readily available, the bill requires training for departmental employees and interested volunteers and employees of private agencies serving low-income households.

Uniform verification of information requirements and standardized certification periods will have to be developed by the department. These standards will protect against unequal and, in some cases, arbitrary treatment of applicants and recipients.

The bill also requires that the availability and location of free legal representation be specified on notices as required by federal regulation.

There is an affirmative duty created by this bill to insure that the department will inform elderly and disabled applicants and recipients of their right under federal law to have a face-to-face interview waived. Currently many elderly persons, unaware of this right to waive the interview, are being discouraged from applying for needed benefits.

Federal law requires the department to act on every application within 30 days. This bill authorizes the automatic issuance of food stamp coupons for the month in question to any individual whose application has not been acted upon within 60 days when the delay is specifically the fault of the Department of Human Services.