

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 554

6
7 S.P. 144

In Senate, February 3, 1983

8 On Motion of Senator Carpenter of Aroostook referred to the Committee
9 on Health and Institutional Services. Sent down for concurrence and ordered
10 printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

Cosponsors: Senator Collins of Knox and Representative Seavey of
11 Kennebunkport.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Revise the General Assistance
18 Laws.
19

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

22 Sec. 1. 22 MRSA §§4301 - 4321 are enacted to
23 read:

24 §4301. Definitions

25 As used in this chapter, unless the context indi-
26 icates otherwise, the following terms have the follow-
27 ing meanings.

28 1. Basic necessities. "Basic necessities" means
29 food, clothing, housing, fuel, electricity,
30 nonelective medical services and any other services
31 or commodities as determined by a municipality in ac-
32 cordance with its ordinance.

1 2. Dwelling unit. "Dwelling unit" means a build-
2 ing or part thereof used for separate living quarters
3 for one or more persons living as a single housekeep-
4 ing unit.

5 3. Eligible person. "Eligible person" means:

6 A. Employable persons who have insufficient
7 income, money, property, credit, assets or other
8 means to provide basic necessities to maintain
9 themselves or their families if, through no fault
10 of their own, they are unemployed, or if
11 employed, they do not have sufficient income or
12 resources, through no fault of their own, to pro-
13 vide those basic necessities;

14 B. Otherwise employable persons who are the sole
15 caretakers of any child under 6 years of age, or
16 any ill or disabled member of the household who
17 is unable to care for himself and is unable to
18 look for or accept employment, provided that
19 there is no other member of the household avail-
20 able to care for that child, ill or disabled
21 person, or if there is no day care center or
22 similar facility to care for that child;

23 C. Unemployable persons due to physical or mental
24 disability which is verified by a physician and
25 who are unable to provide basic necessities for
26 themselves or their families; or

27 D. Persons who do not have sufficient resources
28 to provide one or more basic necessities in an
29 emergency although they would be considered
30 otherwise ineligible.

31 Persons who are employable but who refuse to look for
32 work, accept a suitable job offer, voluntarily quit
33 their jobs, or cause their own unemployment without
34 just cause, shall not be considered eligible persons,
35 though any dependents may be eligible.

36 Persons receiving any form of categorical assistance
37 as income, other than any assistance that is specifi-
38 cally prohibited by federal or state law or regula-
39 tion from being considered as income, shall not be
40 considered eligible persons unless, through no fault

1 of their own, the amount of categorical assistance is
2 insufficient to provide basic necessities essential
3 to maintain themselves and their families.

4 4. Emergency. "Emergency" means any life threat-
5 ening situation or a situation beyond the control of
6 the individual which, if not alleviated immediately,
7 could reasonably be expected to pose a threat to the
8 health or safety of a person.

9 5. Employable person. "Employable person" means a
10 person who is able to look for or accept employment.

11 6. General assistance program. "General assis-
12 tance program" means a service financed jointly by
13 the State and the municipalities and administered by
14 a municipality for the immediate aid of eligible per-
15 sons who are unable, through no fault of their own,
16 to provide the basic necessities essential to main-
17 tain themselves and their families according to the
18 eligibility standards and levels of assistance pur-
19 suant to this chapter and the ordinance adopted by
20 each municipality.

21 7. Household. "Household" means the applicant and
22 any other persons occupying the same dwelling unit as
23 the applicant, including the applicant's dependents,
24 persons the applicant is legally obliged to support,
25 persons who are legally obliged to support the appli-
26 cant and other persons whether or not related by
27 blood or marriage.

28 8. Income. "Income" means any form of income in
29 cash or in kind received by the household, including
30 net remuneration for services performed, any payments
31 received as an annuity, retirement or disability ben-
32 efits, veterans' pensions, workers' compensation,
33 unemployment benefits, benefits under any state or
34 federal categorical assistance program, supplemental
35 security income, social security and any other pay-
36 ments from governmental sources, unless specifically
37 prohibited by any law or regulation, court ordered
38 support payments, income from pension or trust funds
39 and household income from any other source, including
40 relatives or unrelated household members.

1 9. Municipality of responsibility. "Municipality
2 of responsibility" means the municipality which is
3 liable for the support of any eligible person at the
4 time of application.

5 10. Need. "Need" means the condition whereby a
6 person has insufficient income, money, property,
7 credit, assets or other means to provide basic
8 necessities for himself and his family.

9 11. Overseer. "Overseer" means an official des-
10 ignated by a municipality to administer a general
11 assistance program. The municipal officers shall
12 serve as a board of overseers if no other persons are
13 appointed or elected.

14 12. Real estate. "Real estate" means any land,
15 buildings, homes, mobile homes and any other things
16 affixed to that land.

17 13. Resident. "Resident" means a person who has
18 his customary place of abode in a particular munic-
19 ipality or township. In the case of a transient or a
20 person who has no customary place of abode, he shall
21 be considered a resident of the municipality where he
22 resides at the time he applies for general assis-
23 tance.

24 §4302. Delegation of duties; oath; bond

25 Overseers may authorize some person whom they
26 shall designate to perform such of the duties imposed
27 upon them by this chapter as they may determine. The
28 overseers may designate more than one person to per-
29 form those duties. Before entering upon the perfor-
30 mance of those duties, the person or persons so des-
31 ignated shall be sworn and shall give bond to the
32 town for the faithful performance of those duties, in
33 such sum and with such sureties as the overseers
34 order.

35 §4303. Prosecution and defense of towns

36 For all purposes provided for in this chapter,
37 the overseers or any person appointed by them in
38 writing may prosecute and defend a town.

1 §4304. Local general assistance offices

2 There shall be in each municipality a general
3 assistance office, or designated place, where any
4 person may apply for general assistance.

5 In situations where in the judgment of a municipi-
6 ality the number of applicants does not justify the
7 establishment of a local office or designated place,
8 or where for other reasons a local office or desig-
9 nated place is not necessary, 2 or more municipali-
10 ties, by a vote of their respective legislative bod-
11 ies, may establish a district office for the adminis-
12 tration of general assistance and make agreements as
13 to the payment of expenses and any other matters
14 relevant to the operation of the office.

15 §4305. Municipality of responsibility

16 Each municipality is responsible for providing
17 general assistance to all eligible persons who apply
18 and who are residents of the municipality. Those
19 persons are to be assisted at the expense of the
20 municipality.

21 In the case of an applicant who is in a group
22 home, shelter, rehabilitation center, nursing home,
23 hospital or other institution at the time of applica-
24 tion and who has either been in that institution for
25 6 months or less or has a residence which he has
26 maintained and to which he intends to return, the
27 municipality of responsibility shall be the municipi-
28 pality where the applicant was a resident immediately
29 prior to entering the institution.

30 §4306. Assistance; unincorporated place

31 When an unorganized municipality grants assis-
32 tance to eligible persons from an unincorporated or
33 unorganized township, the municipality shall be reim-
34 bursed 100% for net general assistance costs to those
35 individuals. The Department of Human Services may
36 appoint agents within the unorganized townships to
37 administer a general assistance program.

38 §4307. Application

1 No person may receive assistance from any municipi-
2 ality until he or a duly authorized representative
3 has made a written application to the overseer,
4 except that in an emergency the application may be
5 made verbally and the assistance shall be granted
6 temporarily. Further assistance shall be granted
7 upon completion of a written application and determi-
8 nation of eligibility.

9 Notwithstanding any other provisions of this
10 chapter, any person who makes an application for
11 assistance for the first time shall have his eligi-
12 bility determined solely on the basis of need at the
13 time of application. All subsequent applications
14 shall be considered in accordance with this chapter
15 and the municipal ordinance.

16 §4308. Determination of eligibility

17 The overseer shall make a determination of eligi-
18 bility each time a person applies or reapplies for
19 general assistance pursuant to this chapter and the
20 ordinance adopted by the municipality in accordance
21 with section 4318. The period of eligibility shall
22 be for a period not to exceed one month, whereupon at
23 the expiration of that period, the person may reapply
24 for assistance and his eligibility may be redeter-
25 mined.

26 The overseer may redetermine a person's eligibil-
27 ity at any time during the period that person is
28 receiving assistance if the overseer is notified of
29 any change in the recipient's circumstances which may
30 affect the amount of assistance to which he is enti-
31 tled or which may make him ineligible. This redeter-
32 mination shall be conducted in accordance with
33 section 4319.

34 §4309. State reimbursement to municipalities

35 When a municipality incurs net general assistance
36 costs in any fiscal year in excess of .0003 of that
37 municipality's 1981 state valuation as determined by
38 the State Tax Assessor in the statement filed by him
39 as provided in Title 36, section 381, the Department
40 of Human Services shall reimburse the municipality
41 for 90% of the amount in excess of those expenditures

1 when the department finds that the municipality has
2 been in compliance with all the requirements of this
3 chapter. For the purposes of this section, the
4 municipal officers shall submit to the Department of
5 Human Services a monthly return on forms provided by
6 the department stating the amount of net general
7 assistance costs beginning at the end of the month in
8 which the municipality's net general assistance costs
9 exceed the ceiling formula stated in this section.

10 The Department of Human Services may refuse to
11 accept and pay any claim for reimbursement which is
12 not submitted by a municipality to the department
13 within 90 days of the payment upon which the claim is
14 based.

15 §4310. Reimbursement to individuals relieving eligi-
16 ble persons; prior approval; emergencies

17 Municipalities, as provided in section 4305,
18 shall pay expenses necessarily incurred for providing
19 basic necessities to eligible persons anywhere in the
20 State by any person not liable for their support pro-
21 vided that the municipality of responsibility shall
22 be notified and approve those expenses and services
23 prior to their being made or delivered, except as
24 provided in this section.

25 1. Emergency care. In the event of an emergency
26 admission of an eligible person to the hospital, the
27 hospital shall notify the overseer of the liable
28 municipality. The notification shall be by telephone
29 and confirmed by certified mail return receipt
30 requested, or by certified mail, and shall be made
31 within 3 days of the person's admission.

32 2. Burial. In the event of the death of an eli-
33 gible person, the funeral director shall notify the
34 overseer prior to making any burial preparations.
35 Notwithstanding section 4318, subsection 3, paragraph
36 C, a decision on any application for assistance with
37 burial expenses need not be rendered until the over-
38 seer has verified that no relative or other resource
39 is available to pay for the burial costs, but in no
40 case shall the decision be rendered more than 10 days
41 after receiving an application.

1 §4311. Cooperation in administration of general
2 assistance

3 1. State departments. Upon the request of any
4 municipal official charged with the responsibility of
5 administering general assistance, the Department of
6 Human Services and any other department of the State
7 having information which has a bearing on the eligi-
8 bility of any person applying for general assistance
9 shall release that information. The information
10 shall be restricted to those facts necessary for the
11 official to make a determination of eligibility for
12 general assistance.

13 2. Financial institutions. A treasurer of any
14 bank, trust company, benefit association, insurance
15 company, safe deposit company or any corporation or
16 association receiving deposits of money, except
17 national banks, shall, on request in writing signed
18 by the overseer of any municipality or its agents, or
19 by the Commissioner of Human Services or his agents
20 or by the Director of the Bureau of Veterans Services
21 or his agents, inform that overseer or the Department
22 of Human Services or the Bureau of Veterans Services
23 of the amount deposited in the corporation or associ-
24 ation to the credit of the person named in the
25 request, who is a charge upon the municipality or the
26 State, or who has applied for support to the munici-
27 pality or the State.

28 3. Employers. Notwithstanding any other provi-
29 sion of law, every employer shall upon written
30 request of the overseer release any wage information
31 in his possession or any other information having a
32 bearing on the eligibility of any person applying for
33 assistance.

34 4. Confidentiality. Any person who seeks and
35 obtains information under this section is subject to
36 the same rules of confidentiality as the person who
37 is caretaker of the information which is by law con-
38 fidential.

39 5. Refusal. Any person who refuses to provide
40 any information to an overseer who requests it in ac-
41 cordance with this section shall state in writing the
42 reasons for the refusal within 3 days of receiving
43 the request.

1 6. Penalty. Any person who refuses upon request
2 to provide such information without just cause com-
3 mits a civil violation for which a forfeiture of not
4 less than \$25 nor more than \$100 may be adjudged to
5 be recovered in a civil action in any court of compe-
6 tent jurisdiction. Any person who willfully renders
7 false information to an administrator is guilty of a
8 Class E crime.

9 §4312. False representation

10 Whoever knowingly and willfully makes any false
11 representation of information to the overseer of any
12 municipality or to the department or its agents for
13 the purpose of causing himself or any other person to
14 be granted assistance by the municipality or by the
15 State may be ineligible for assistance for a period
16 of up to 60 days and is guilty of a Class E crime.

17 No person may be denied general assistance solely
18 for making a false representation prior to being
19 afforded the opportunity for an appeal. If a
20 person's application has been approved, there shall
21 be no revocation of general assistance during the
22 period of entitlement, until that person has been
23 provided notice and an opportunity for an appeal as
24 provided in sections 4319 and 4320.

25 If the fair hearing officer finds that the recip-
26 ient made a false representation to the overseer in
27 violation of this section, that recipient shall be
28 required to reimburse the municipality for any assis-
29 tance rendered for which he was ineligible and shall
30 be ineligible from receiving further assistance for
31 a period of up to 60 days.

32 Any recipient who has his assistance terminated
33 or denied under this section shall have the right to
34 appeal that decision pursuant to the Maine Rules of
35 Civil Procedure, Rule 80-B.

36 No recipient who has been granted assistance, in
37 accordance with this chapter, may have that assis-
38 tance terminated prior to the decision of the fair
39 hearing officer. In the event of any termination of
40 assistance to any recipient, the dependents of that
41 person may still apply for and, if eligible, receive
42 assistance.

1 §4313. Work requirement

2 No assistance may be given under this chapter to
3 any employable person who is between 18 and 65 years
4 of age, or between 16 and 18 years of age, if he is
5 not in school or in training, if he has not regis-
6 tered with the Maine Employment Security Commission,
7 or who has refused to look for or accept suitable
8 employment, or who has terminated his employment
9 without good cause, except as provided in section
10 4301, subsection 3, paragraph B and section 4307.

11 Any person who refuses or fails to register with
12 the Maine Employment Security Commission, look for
13 work or accept suitable employment, without just
14 cause, is ineligible for general assistance for a
15 period of 60 days, except as provided in section
16 4307.

17 Any person who causes his own unemployment with-
18 out just cause shall be eligible for assistance for a
19 period of 60 days from the date of that unemployment,
20 except as provided in section 4307.

21 No person required to comply with this section
22 may be considered ineligible for assistance if his
23 failure to comply is due to illness or disability
24 which is verified by a physician. In no event may
25 failure to comply with this section affect the eligi-
26 bility of any member of the person's household who is
27 not required to work, including a dependent minor
28 child, an ill or disabled person or a person who is
29 the sole caretaker of a family member, as provided in
30 section 4301, subsection 3, paragraph B.

31 In addition, a municipality may require that an
32 otherwise eligible person who is capable of working
33 be required to perform work for the municipality as a
34 condition to receiving general assistance. Any such
35 work requirement shall be subject to the following
36 provisions.

37 1. Persons not to be required to do work exceed-
38 ing value of assistance. No person may, as a condi-
39 tion of general assistance eligibility, be required
40 to do any amount of work that exceeds the value of
41 the net general assistance that the person would

1 otherwise receive under state general assistance
2 standards. Any person performing work under this
3 subsection shall be provided with net general assis-
4 tance, the value of which is computed at a rate of at
5 least the state's minimum wage.

6 2. Eligible person not to replace regular municipi-
7 pal employees. In no case may eligible persons per-
8 forming work under this subsection replace regular
9 municipal employees.

10 3. Work not to interfere with other employment
11 opportunities. In no case may work performed under
12 this subsection interfere with an eligible person's:

13 A. Existing employment;

14 B. Ability to follow up on a bona fide job offer;
15 or

16 C. Attendance at an interview for possible
17 employment.

18 4. Persons not to be required to perform work
19 prior to receiving assistance. In no case may an
20 eligible person in need of emergency assistance be
21 required to perform work under this subsection prior
22 to receiving general assistance.

23 5. Expenses considered in determining assistance.
24 Expenses related to work performed under this subsec-
25 tion by an eligible person shall be considered in
26 determining the amount of net general assistance to
27 be provided to the person.

28 6. Job performance; ineligibility for assistance.
29 An otherwise eligible person who refuses a suitable
30 job offer under this subsection, or who does not show
31 up for work or whose work performance is below aver-
32 age standards, without just cause, is ineligible for
33 general assistance for a period of 60 days. This
34 person may become eligible during this period of time
35 if he accepts a suitable job.

36 7. Eligibility of members of person's household.
37 Failure of an otherwise eligible person to comply
38 with this subsection shall not affect the general

1 assistance eligibility of any member of the person's
2 household who is not capable of working, including at
3 least:

4 A. A dependent minor child;

5 B. An elderly, ill or disabled person; and

6 C. A person whose presence is required in order
7 to provide care for any child under the age of 6
8 years or for any ill or disabled member of the
9 household.

10 G. Assistance included in reimbursable net gen-
11 eral assistance costs. General assistance provided by
12 a municipality for work performed by an eligible
13 person under this subsection shall be:

14 A. Included in the reimbursable net general
15 assistance costs; and

16 B. Itemized separately in reports to the Commis-
17 sioner of Human Services under section 4309.

18 §4314. Liability of relatives for support; procedure

19 The father, mother, grandfather, grandmother,
20 children or grandchildren, by consanguinity, living
21 within or owning real or tangible property within the
22 State, shall support persons chargeable in propor-
23 tion to their respective ability. A municipality,
24 the State or any kindred of an eligible person having
25 incurred expense for the relief of that eligible
26 person may complain to the Superior Court in the
27 county where the kindred reside or to any other court
28 of competent jurisdiction. The court may cause the
29 kindred to be summoned, and upon hearing or default
30 may assess and apportion a reasonable sum upon such
31 as are found to be of sufficient ability, for the
32 support of the eligible person to the time of the
33 assessment, and shall issue a writ of execution. The
34 assessment shall not be made to pay any expense for
35 relief afforded more than 6 months before the com-
36 plaint was filed. The complaint may be filed with
37 the clerk of the court who shall issue a summons
38 thereon, returnable and to be served as writs of sum-
39 mons are. On suggestion of either party that there

1 are other kindred of ability not named, the complaint
2 may be amended by inserting their names, and they may
3 be summoned in like manner and be proceeded against
4 as if originally named. The court may assess and
5 apportion upon the kindred a sum sufficient for the
6 future support of the eligible person to be paid
7 quarterly, until further order; and may direct with
8 whom of the kindred consenting thereto and for what
9 time he may dwell, having regard to his comfort and
10 their convenience. On application of the municipal-
11 ity, the State or person to whom payment was ordered,
12 the clerk may issue or renew a writ of execution
13 returnable to the next term of the court to collect
14 what may be due for any preceding quarter. The court
15 may, from time to time, make any further order on
16 complaint of a party interested and, after notice
17 given, alter the assessment or apportionment. On
18 failure to sustain a complaint, the respondents
19 recover costs.

20 §4315. Use of available resources

21 It is the responsibility of each person applying
22 for general assistance to utilize every resource
23 available to him that will help reduce his dependence
24 on the general assistance program. Available
25 resources include, but are not limited to, state and
26 federal assistance programs, charitable organizations
27 and relatives legally liable for his support, in ac-
28 cordance with section 4314.

29 Any applicant who refuses to utilize available
30 resources without just cause, or forfeits receipt of
31 or causes reduction in benefits from another public
32 assistance program through his own fault and without
33 good cause, is not eligible to receive general assis-
34 tance to replace the forfeited assistance for a
35 period of 60 days from the date of applying for gen-
36 eral assistance, except as provided in section 4307.
37 Any eligible dependent of that person may receive
38 general assistance.

39 §4316. Recovery of expenses

40 A municipality or the State, which has incurred
41 general assistance program costs for the support of
42 any eligible person, may recover the full amount

1 expended for that support either from the person
2 relieved or from any person liable for his support,
3 their executors or administrators, in a civil action.
4 In no case may a municipality or the State be author-
5 ized to recover through a civil action, the full or
6 part of, the amount expended for the support of a
7 previously eligible person if:

8 1. Repayment. As a result of the repayment of
9 that amount this person would, in all probability,
10 again become eligible for general assistance; or

11 2. Public assistance. This person is presently
12 receiving any form of public assistance.

13 §4317. Liens on real estate

14 The amount of money spent by a municipality or
15 the State to provide mortgage payments to an eligible
16 person under this chapter may, except for good cause,
17 claim a lien on any real estate, either land or
18 buildings or a combination thereof, owned by that
19 person.

20 The liens shall be effective until enforced by an
21 action for equitable relief, or until discharged, or
22 until released by the municipal officers or the
23 State, upon the death of the recipient, or at the
24 time of sale of the property. Interest on the amount
25 of money constituting the lien may be charged at a
26 rate established by the department, but in no event
27 may the rate exceed the maximum rate of interest
28 allowed by the Treasurer of State, pursuant to Title
29 36, section 186.

30 The municipal officers or the State shall file a
31 notice of the lien or its discharge with the register
32 of deeds of the county wherein the property is locat-
33 ed. The person named in the lien shall be notified
34 by certified mail return receipt requested and shall
35 be entitled to all other rights under the law in ac-
36 cordance with Title 36, sections 942 and 943.

37 §4318. Municipal ordinance required

38 1. Program required; ordinance. A general assis-
39 tance program shall be operated by each municipality

1 and shall be administered in accordance with an ordi-
2 nance enacted, after notice and hearing, by the
3 municipal officers of each municipality.

4 2. Availability of ordinance. Each ordinance
5 shall be available in the town office and shall
6 otherwise be easily accessible to any member of the
7 public. Notice to that effect shall be posted.

8 3. Standards of eligibility. Each ordinance
9 shall establish standards which shall:

10 A. Govern the determination of eligibility of
11 persons applying for relief and the amount of
12 assistance to be provided to eligible persons;

13 B. Provide that all individuals wishing to make
14 application or relief shall have the opportunity
15 to do so; and

16 C. Provide that relief shall be furnished or
17 denied to all eligible applicants within 24 hours
18 of the date of submission of an application.

19 4. Ordinance filed. Each municipality shall
20 present a copy of the ordinance establishing eligi-
21 bility standards to the Commissioner of Human Ser-
22 vices. Any amendment or modification of the municipi-
23 pal ordinance shall be submitted to the commissioner
24 for filing.

25 5. Department assistance. The department shall
26 offer assistance to municipalities in complying with
27 this chapter. The department may review the adminis-
28 tration of the general assistance program of any
29 municipality whether or not reimbursement is given.
30 This review shall include a discussion with and, if
31 necessary, recommendations to the administrator of
32 the general assistance program as to the requirements
33 of this chapter.

34 §4319. Grant, denial, reduction or termination to be
35 communicated in writing; right to a hearing

36 Any action relative to the grant, denial, reduc-
37 tion, suspension or termination of relief provided
38 under this chapter must be communicated to the appli-

1 cant or recipient in writing and shall include the
2 specific reason or reasons for that action and shall
3 state that the person affected has a right to a hear-
4 ing. All proceedings relating to the grant, denial,
5 reduction, suspension or termination of relief pro-
6 vided under this chapter are not public proceedings
7 under Title 1, chapter 13, unless otherwise requested
8 by the applicant or recipient.

9 §4320. Right to a fair hearing

10 Any person aggrieved with a decision, act, fail-
11 ure to act or delay in action concerning his applica-
12 tion for general assistance under this chapter shall
13 have the right to an appeal. If a person's applica-
14 tion has been approved there shall be no revocation
15 of general assistance during the period of
16 entitlement until that person has been provided
17 notice and an opportunity for hearing as provided in
18 this section. After 24 hours from the time a person
19 applies for general assistance, or immediately after
20 a person receives notice that an approved application
21 has been revoked, that person may request an appeal
22 within 5 working days. A hearing shall be held by
23 the fair hearing officer within 9 working days fol-
24 lowing the receipt of a written request by the appli-
25 cant for an appeal. The hearing may be conducted by
26 one or more fair hearing officers. In no event may
27 an appeal be held before a person or body responsible
28 for the decision, act, failure to act or delay in
29 relating to the applicant.

30 The person requesting the appeal shall be
31 afforded the right to confront and cross-examine any
32 witnesses against him, present witnesses in his own
33 behalf and be represented by counsel or other spokes-
34 man, and be advised of these rights in writing. The
35 decision of such an appeal shall be based solely on
36 evidence adduced at the hearing. The person request-
37 ing the appeal shall, within 5 days after the appeal,
38 be furnished with a written decision detailing the
39 reasons for that decision. Review of any action or
40 failure to act under this chapter shall be pursuant
41 to the Maine Rules of Civil Procedure, Rule 80-B.

42 §4321. Confidentiality of information

1 The overseer shall keep complete and accurate
2 records pertaining to general assistance. Records,
3 papers, files and communications relating to an
4 applicant or recipient made or received by persons
5 charged with responsibility of administering this
6 chapter are confidential and no information relating
7 to a person who is an applicant or recipient may be
8 disclosed to the general public, unless expressly
9 permitted by that person.

10 Sec. 2. 22 MRSA §4450, as repealed and replaced
11 by PL 1977, c. 417, §2, is repealed.

12 Sec. 3. 22 MRSA §4461, as amended by PL 1965, c.
13 23, is repealed.

14 Sec. 4. 22 MRSA §4467, as amended by PL 1977, c.
15 417, §3, is repealed.

16 Sec. 5. 22 MRSA §4483, as amended by PL 1977, c.
17 417, §4, is repealed.

18 Sec. 6. 22 MRSA §4488 is repealed.

19 Sec. 7. 22 MRSA §4491, as amended by PL 1977, c.
20 417, §6, is repealed.

21 Sec. 8. 22 MRSA §4492, as amended by PL 1977, c.
22 417, §7, is repealed.

23 Sec. 9. 22 MRSA §4496, as repealed and replaced
24 by PL 1975, c. 664, is repealed.

25 Sec. 10. 22 MRSA §4497, as amended by PL 1977,
26 c. 417, §8, is repealed.

27 Sec. 11. 22 MRSA §4498, as repealed and replaced
28 by PL 1977, c. 417, §9, is repealed.

29 Sec. 12. 22 MRSA §4499, as amended by PL 1981,
30 c. 298, is repealed.

31 Sec. 13. 22 MRSA §4500, as amended by PL 1975,
32 c. 293, §4, is repealed.

33 Sec. 14. 22 MRSA §4500-A, as repealed and
34 replaced by PL 1977, c. 417, §11, is repealed.

1 Sec. 15. 22 MRSA §4504, as amended by PL 1979,
2 c. 382, §2, is repealed.

3 Sec. 16. 22 MRSA §4505, as amended by PL 1975,
4 c. 574, §3, is repealed.

5 Sec. 17. 22 MRSA §4507, as repealed and replaced
6 by PL 1977, c. 417, §14, is repealed.

7 Sec. 18. 22 MRSA §4508, as enacted by PL 1975,
8 c. 574, §4, is repealed.

9 STATEMENT OF FACT

10 This bill reorganizes the general assistance
11 statutes. The following table shows the derivation
12 of sections from the old to the new.

13	<u>New-Title 22, §§4301-4321</u>	<u>Old-Title 22, §§4450-4508</u>
14	4301	4450
15	4302	4461
16	4303	4488
17	4304	----
18	4305	4497
19	4306	4498
20	4307	----
21	4309	4499 & 4500
22	4310	4483
23	4311	4492 & 4496
24	4312	4491
25	4313	4504, subsection 5
26	4314	4467
27	4315	----
28	4316	4500-A
29	4317	----
30	4318	4504, subsections
31	4319	4505 1-6 .
32	4320	4507
33	4321	4508

34 This bill also seeks to clarify the responsibil-
35 ity of applicants to use other resources, when avail-
36 able, that would reduce their dependence on the gen-
37 eral assistance program. In 3 recent court cases,
38 the Maine Supreme Judicial Court, has interpreted
39 current law to say that need is the only criterion by

1 which eligibility for general assistance can be
2 determined. This bill allows the municipality to
3 deny general assistance when an applicant:

4 1. Causes their own unemployment without just
5 cause;

6 2. Refuses to search for employment without just
7 cause;

8 3. Gives false representation to the overseer for
9 the sole purpose of making themselves appear eligi-
10 ble; and

11 4. Refuses to use another resource, such as other
12 forms of categorical assistance, which are available.

13 In all cases, any dependents of an applicant who
14 is denied for any of the above reasons will still be
15 eligible to apply for and receive general assistance.
16 Need will continue to be the only eligibility criter-
17 ion on first applications.

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