

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 841

6  
7 S.P. 274

In Senate, February 23, 1983

8 Referred to the Committee on Health and Institutional Services. Sent  
9 down for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Brown of Washington.

12 STATE OF MAINE  
13

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

17 AN ACT to Establish a State Administered  
18 Program of General Assistance.  
19

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

22 Sec. 1. 22 MRSA c. 1251, as amended, is re-  
23 pealed.

24 Sec. 2. 22 MRSA c. 1253 is enacted to read:

25 CHAPTER 1253

26 GENERAL ASSISTANCE

27 §4601. General Assistance

28 The Department of Human Services shall provide  
29 general assistance to those persons who are unable to  
30 provide the basic necessities essential to maintain

1 themselves or their families. The department shall  
2 by rule adopt standards of eligibility, benefits and  
3 methods of payment, sufficient to provide the basic  
4 necessities, and shall annually revise those stan-  
5 dards to reflect changes in the cost of living. In  
6 no event may those standards of assistance be less  
7 than that provided by the department to recipients of  
8 general assistance in the unorganized territories on  
9 January 1, 1983.

10 §4602. Information furnished to applicants

11 The department shall provide all applicants for  
12 aid under this chapter with information in written  
13 form and verbally, as appropriate or if requested,  
14 about coverage, conditions of eligibility, scope of  
15 programs, existence of related services and the  
16 rights and responsibilities of applicants for assis-  
17 tance and recipients of assistance under this chap-  
18 ter.

19 §4603. Decision of department

20 All applications for aid under this chapter shall  
21 be acted upon and a decision regarding eligibility be  
22 made as soon as possible, but in no case may the  
23 department fail to notify the applicant of its deci-  
24 sion within 30 days after receipt of his application.

25 §4604. Authorization of emergency benefits prior to  
26 full verification

27 1. Benefits for immediate need; conditions.  
28 Whenever an applicant for general assistance states  
29 to the department that he is in need of immediate  
30 assistance to meet basic necessities, the department  
31 shall, pending verification, issue and mail to the  
32 applicant benefits sufficient to meet that immediate  
33 need within 24 hours of the application, provided  
34 that all of the following conditions are met.

35 A. As a result of the initial interview with the  
36 applicant, the department shall have determined  
37 that the applicant will probably be eligible for  
38 assistance after full verification is completed.

1           B. Where possible, the applicant shall submit to  
2           the department, at the time of the initial inter-  
3           view, the adequate documentation to verify that  
4           he is in need of immediate assistance.

5           C. When adequate documentation is not available  
6           at the time of the initial interview, the depart-  
7           ment shall contact at least one other person for  
8           the purpose of obtaining information to confirm  
9           the applicant's statements about his need for  
10           immediate assistance.

11           D. In no case:

12                   (1) May the authorization of benefits under  
13                   this section exceed 30 days; and

14                   (2) May there be further authorization of  
15                   benefits to the applicant until there has  
16                   been full verification confirming the eligi-  
17                   bility of the applicant.

18           E. The department may issue vouchers in lieu of  
19           cash payments when the vouchers will meet the  
20           immediate need of the applicant.

21           §4605. Determination of eligibility

22           The department shall determine each applicant's  
23           eligibility or potential eligibility for all other  
24           programs of assistance, and may require, as a condi-  
25           tion for continuing eligibility for general assis-  
26           tance, that the applicant apply for those other pro-  
27           grams. Notwithstanding eligibility or receipt of any  
28           other benefits, each applicant shall be eligible for  
29           such emergency assistance as is necessary to meet his  
30           immediate needs.

31           §4606. Notice of action

32           Any action relative to the grant, denial, reduc-  
33           tion, suspension or termination of relief provided,  
34           under this chapter, must be communicated to the  
35           applicant or recipient in writing and shall include  
36           the specific reason or reasons for that action and  
37           shall state that the person affected has a right to  
38           a hearing. All proceedings relating to the grant,

1 denial, reduction, suspension or termination of  
2 relief, provided under this chapter, are not public  
3 proceedings under Title 1, chapter 13, subchapter I,  
4 unless otherwise requested by the applicant or recip-  
5 ient.

6 §4607. Right to a fair hearing

7 Any person aggrieved with a decision, act, fail-  
8 ure to act or delay in action concerning his applica-  
9 tion for general assistance under this chapter shall  
10 have the right to a fair hearing. If a person's  
11 application has been approved, there shall be no  
12 revocation of general assistance during the period of  
13 entitlement until that person has been provided  
14 notice and an opportunity for hearing, as provided in  
15 this section. After 24 hours from the time a person  
16 applies for general assistance, or immediately after  
17 a person receives notice that an approved application  
18 has been revoked, that person may request a hearing  
19 within 5 working days. A hearing shall be held by  
20 the commissioner or his designated agent within 7  
21 days of receipt of the request for appeal. Review of  
22 any action or failure to act under this chapter shall  
23 be pursuant to Title 5, chapter 375, subchapter VII.

24 STATEMENT OF FACT

25 The present structure of general assistance pro-  
26 vided by the municipalities, pursuant to Title 22,  
27 chapter 1251, was found by a legislatively mandated  
28 study by the Department of Human Services to be  
29 impossible to administer effectively. Since that  
30 time, and particularly in the last 6 months, municip-  
31 al requests for state reimbursement have increased  
32 over 200%. It is no longer feasible for the State to  
33 be pouring ever-increasing financial support into a  
34 system which has been found so inadequate. For their  
35 part as well, municipalities are finding the current  
36 state law places responsibilities upon them which  
37 they do not have the financial resources to meet.

38 This bill provides for the general assistance  
39 program described in the present statute to be simply  
40 shifted to state administration, with the Commis-  
41 sioner of Human Services developing statewide stan-

1 dards of eligibility and benefits by the rule, as he  
2 presently does for the unorganized territories. Fair  
3 hearings and all the present protections for appli-  
4 cants would continue to be afforded by the State.

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