

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 842

6  
7 S.P. 275

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

Presented by Senator Brown of Washington.  
11

12 STATE OF MAINE  
13

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

17 AN ACT to Improve the Administration of  
18 the General Assistance Program.  
19

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

22 Sec. 1. 22 MRSA §4504, sub-§3, ¶B, as enacted by  
23 PL 1977, c. 417, §12, is amended to read:

24 B. Provide that all individuals wishing to make  
25 application for relief shall have the opportunity  
26 to do so and shall submit their applications on a  
27 standardized form prepared and provided by the  
28 Commissioner of Human Services; and

29 Sec. 2. 22 MRSA §4504, sub-§3, ¶C, as enacted by  
30 PL 1977, c. 417, §12, is repealed and the following  
31 enacted in its place:

1 C. Provide that each municipality shall design-  
2 ate a person who shall be available each day to  
3 accept and act upon general assistance applica-  
4 tions; and

5 Sec. 3. 22 MRSA §4504, sub-§3, ¶D is enacted to  
6 read:

7 D. Provide that relief shall be furnished or  
8 denied to all eligible applicants within 24 hours  
9 of the date of submission of an application.

10 Sec. 4. 22 MRSA §4504, sub-§4, as enacted by PL  
11 1977, c. 417, §12, is amended to read:

12 4. Ordinance filed. Each municipality shall  
13 present a copy of the ordinance establishing eligi-  
14 bility standards to the Commissioner of Human Ser-  
15 vices. The ordinance shall be reviewed by the commis-  
16 sioner and must meet minimum standards of eligibility  
17 and need as established by the commissioner by regu-  
18 lation. The standard shall be sufficient to maintain  
19 health and decency. This regulation shall be  
20 reviewed annually and modified as necessary by the  
21 commissioner. Any amendment or modification of the  
22 municipal ordinance shall be submitted to the commis-  
23 sioner for approval and filing.

24 Sec. 5. 22 MRSA §4504, sub-§5, ¶I is enacted to  
25 read:

26 I. The provisions of Title 39 shall apply to  
27 recipients of general assistance assigned to work  
28 under this subsection, who are deemed employees  
29 for the purpose of Title 39, section 2, subsec-  
30 tion 5, and an award may be made against the  
31 municipality where the person injured was engaged  
32 in work at the time of the injury.

33 Sec. 6. 22 MRSA §4504, sub-§6, as enacted by PL  
34 1979, c. 382, §2, is amended to read:

35 6. Department assistance. The department shall  
36 offer assistance to municipalities in complying with  
37 this chapter. The department ~~may~~ shall review annu-  
38 ally the administration of the general assistance  
39 program of any municipality ~~whether or not reimburse-~~

1 ment is given. This review shall include a discussion  
2 with and, if necessary, recommendations to the admin-  
3 istrator of the general assistance program as to the  
4 requirements of this chapter. The department shall  
5 annually conduct training programs for municipal  
6 officials on the administration of the general assist-  
7 ance program. If, 60 days after review and recom-  
8 mendations, the commissioner finds willful noncompli-  
9 ance with the requirements of this chapter, he shall  
10 bring judicial action to enforce compliance by the  
11 noncomplying municipality.

12 Sec. 7. 22 MRSA §4505, as amended by PL 1975, c.  
13 574, §3, is further amended to read:

14 §4505. Grant, denial, reduction or termination to be  
15 communicated in writing; right to a hearing

16 Any action relative to the grant, denial, reduc-  
17 tion, suspension or termination of relief provided  
18 under this chapter must be communicated to the appli-  
19 cant or recipient in writing and ~~shall include the~~  
20 ~~specific reason or reasons for such action and shall~~  
21 ~~state that the person affected has a right to a hear-~~  
22 ~~ing on a standardized form prepared and provided by~~  
23 ~~the Commissioner of Human Services and shall include~~  
24 ~~the specific reason or reasons for that action and~~  
25 ~~shall notify the person affected of his rights under~~  
26 ~~section 4507. All proceedings relating to the grant,~~  
27 ~~denial, reduction, suspension or termination of~~  
28 ~~relief provided under this chapter are not public~~  
29 ~~proceedings under Title 1, chapter 13, unless other-~~  
30 ~~wise requested by the applicant or recipient.~~

31 Sec. 8. 22 MRSA §4507, as repealed and replaced  
32 by PL 1977, c. 417, §14, is repealed and the follow-  
33 ing enacted in its place:

34 §4507. Right to a fair hearing

35 Any person aggrieved with a decision, act, fail-  
36 ure to act or delay in action concerning his applica-  
37 tion for general assistance under this chapter shall  
38 have the right to a fair hearing. If a person's  
39 application has been approved, there shall be no  
40 revocation of general assistance during the period of

1 entitlement until that person has been provided  
2 notice and an opportunity for hearing as provided in  
3 this section. After 24 hours from the time a person  
4 applies for general assistance, or immediately after  
5 a person receives notice that an approved application  
6 has been revoked, that person may request a hearing  
7 within 5 working days.

8 A hearing shall be held before a fair hearing  
9 officer of the State within 7 days of receipt by the  
10 municipality of a written request therefor. The com-  
11 missioner may by regulation require that hearings be  
12 held within a shorter time to review requests for  
13 assistance of an immediate and urgent nature.

14 The hearing shall be limited to the issues raised  
15 by the written decision from which an appeal is taken  
16 and shall be conducted pursuant to the Maine Adminis-  
17 trative Procedure Act, Title 5, sections 9051 to  
18 9064, except that the proceeding shall not be a  
19 public proceeding under Title 1, chapter 13, and the  
20 public shall not have the right to attend unless  
21 otherwise requested by the applicant or recipient.

22 The decision of the fair hearing officer shall be  
23 rendered within 3 working days of the completion of  
24 the hearing.

25 Review of any action or failure to act under this  
26 chapter shall be pursuant to the Maine Rules of Civil  
27 Procedure, Rule 80B and Title 5, sections 11001 to  
28 11008. In the event that the decision of the court  
29 results in a reversal, in whole or in part, of the  
30 decision appealed from, the plaintiff's attorneys'  
31 fees for that service shall be paid by the municipal-  
32 ity.

33 STATEMENT OF FACT

34 In October, 1980, the Department of Human Ser-  
35 vices released the results of a year-long study of  
36 general assistance. The study showed over 400 Maine  
37 municipalities in violation of one or more state laws  
38 regarding general assistance.

1           This bill is designed to correct some of the  
2 problems that were widespread, while still enabling  
3 municipalities to retain control of their individual  
4 programs.

5           A number of the proposals in this bill are recom-  
6 mendations suggested by the department in its report.

7           This bill would do the following:

8           1. Establish a system of standardized applica-  
9 tions and forms;

10           2. Insure someone available everyday to take  
11 applications;

12           3. Allow the Commissioner of Human Services to  
13 establish minimum general assistance needs;

14           4. Allow the department to conduct annual train-  
15 ing sessions for general assistance administrators;

16           5. Enable the department to bring legal action  
17 against municipalities willfully violating the law;

18           6. Establish fair hearings, run by the State, to  
19 guarantee impartiality in the general assistance  
20 appeals process; and

21           7. Provide workers' compensation coverage to  
22 persons who are working in municipal work programs.

23           This bill does not change municipal authority to  
24 determine general assistance eligibility, set up work  
25 programs and determine needs to be met above the  
26 minimums. The bill does not change the right of  
27 municipalities to be reimbursed in appropriate cir-  
28 cumstances.

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