

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1337

6
7 H.P. 1012

House of Representatives, March 25, 1983

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

EDWIN H. PERT, Clerk

10 Presented by Representative Livesay of Brunswick.

Cosponsors: Representative Brown of Bethel, Representative McGowan of
Pittsfield and Senator Perkins of Hancock.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning Criteria for
18 Determining Need for Welfare.
19

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

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

24 A. Govern the determination of need of persons
25 applying for relief and the amount of assistance
26 to be provided to eligible persons⁷.

27 (1) Standards governing the determination of
28 need may include requirements that the
29 applicant for general assistance has not
30 expended more than 25% of his income in each
31 of the 3 months immediately prior to his
32 application for assistance for luxury items.
33 The Commissioner of Human Services shall

1 promulgate rules in accordance with the
2 Maine Administrative Procedure Act, Title 5,
3 chapter 375 that define luxury and necessary
4 items and services. The commissioner may
5 use, in part, the standards set forth in
6 Title 36, section 1760 to define luxury and
7 necessary items and services. These stan-
8 dards may also include requirements that the
9 applicant for general assistance has not
10 knowingly expended his income recklessly
11 with the intent to finance his needs from
12 general assistance. The applicant shall pro-
13 vide the information necessary to determine
14 whether the applicant is eligible under
15 these standards;

16 STATEMENT OF FACT

17 Recently, the Supreme Judicial Court rendered
18 several decisions that struck down decisions of
19 municipal officials with respect to applicants for
20 general assistance. Basically, the court argument may
21 be summarized in the finding of the court in the case
22 of Avard Blouin v. the City of Rockland, decided
23 February 22, 1982, which states that a "municipality
24 may look no further than applicant's actual immediate
25 need in determining eligibility for such relief, and
26 once applicant is found to have immediate need for
27 relief, municipality must provide general assistance
28 to satisfy immediate needs."

29 The purpose of this bill is to enable municipali-
30 ties to provide general assistance to those appli-
31 cants who have not recklessly expended their personal
32 resources. The municipalities, by the provisions of
33 this bill, may establish standards for granting gen-
34 eral assistance that require the applicant to show
35 that he has not recklessly expended personal
36 resources.

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