

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1705

H.P. 1249 House of Representatives, May 29, 1987  
Reported by Representative MANNING for the Special Select  
Commission on the Administration and Financing of General  
Assistance pursuant to Private and Special Law 1985, Chapter  
79 and Chapter 131.

Reference to the Joint Standing Committee on Human  
Resources suggested and printing ordered under Joint Rule 18.  
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Revise the General Assistance Laws.  
2

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

5 PART A

6 Sec. 1. 22 MRSA §3106 is enacted to read:

7 §3106. Social services information and referral ser-  
8 vices

9 The department shall establish and maintain a  
10 toll-free information and referral service that will  
11 catalog and provide current information about all  
12 available forms of public assistance, including job  
13 training and employment programs. The service shall  
14 be adequately publicized and universally available to



1 located from the Federal Expenditure Fund to carry  
2 out the purposes of this Act.

3 1987-88 1988-89

4 HUMAN SERVICES, DE-  
5 PARTMENT OF

6 Aid to Families with De-  
7 pendent Children

8 All Other \$531,250 \$637,500

9 PART C

10 Sec. 1. 22 MRSA §4307, as enacted by PL 1983, c.  
11 577, §1, is repealed and the following enacted in its  
12 place:

13 §4307. Municipality of responsibility; residency

14 1. General assistance required. Municipalities  
15 shall provide general assistance to all eligible per-  
16 sons at the expense of that municipality, except as  
17 provided in section 4311.

18 A municipality shall not move or transport a person  
19 into another municipality to avoid responsibility for  
20 general assistance support for that person. Any mu-  
21 nicipality which illegally moves or transports a per-  
22 son, or illegally denies assistance to a person which  
23 results in his relocation, in addition to the other  
24 penalties provided in this chapter, shall reimburse  
25 twice the amount of assistance to the municipality  
26 which provided the assistance to that person. That  
27 reimbursement shall be made in accordance with sub-  
28 section 5.

29 2. Municipality of responsibility. Except as  
30 provided in subsection 4, a municipality is responsi-  
31 ble for the general assistance support of the follow-  
32 ing individuals:

33 A. For the purposes of this section, a "resi-  
34 dent" means a person who is physically present in  
35 a municipality with the intention of remaining in  
36 that municipality to maintain or establish a home

1 and who has no other residence; and

2 B. Eligible persons who apply to the municipali-  
3 ty for assistance and who are not residents of  
4 that or any other municipality. If a person is  
5 not a resident of any municipality, the municipi-  
6 ality where that person first applies shall be  
7 responsible for support until a new residence is  
8 established.

9 3. Durational residency requirement prohibited.  
10 No municipality may establish a durational residency  
11 requirement for general assistance.

12 4. Special circumstances. Overseers of a munic-  
13 ipality shall not move or transport an applicant or  
14 recipient into another municipality to relieve their  
15 municipality of responsibility for that applicant's  
16 or recipient's support. The municipality of respon-  
17 sibility for relocations and institutional settings  
18 shall be as follows.

19 A. When an applicant or recipient requests relo-  
20 cation to another municipality and the overseers  
21 of a municipality assist that person to relocate  
22 to another municipality, the municipality from  
23 which that person is moving shall continue to be  
24 responsible for the support of the recipient for  
25 30 days after relocation. As used in this para-  
26 graph, assist includes:

27 (1) Granting financial assistance to relo-  
28 cate; and

29 (2) Making arrangements for a person to re-  
30 locate.

31 B. If an applicant is in a group home, shelter,  
32 rehabilitation center, nursing home, hospital or  
33 other institution at the time of application and  
34 has either been in that institution for 6 months  
35 or less, or had a residence immediately prior to  
36 entering the institution which he had maintained  
37 and to which he intends to return, the municipali-  
38 ty of responsibility shall be the municipality  
39 where the applicant was a resident immediately  
40 prior to entering the institution. For the pur-

1 pose of this paragraph, a hotel, motel or similar  
2 place of temporary lodging is considered an in-  
3 stitution when a municipality:

4 (1) Grants financial assistance for a per-  
5 son to move to or stay in temporary lodging;

6 (2) Makes arrangements for a person to stay  
7 in temporary lodging;

8 (3) Advises or encourages a person to stay  
9 in temporary lodging; or

10 (4) Illegally denies housing assistance  
11 and, as a result of that denial, the person  
12 stays in temporary lodging.

13 5. Disputes between municipalities. Nothing  
14 contained in this section may permit a municipality  
15 to deny assistance to an otherwise eligible applicant  
16 when there is any dispute regarding residency. In  
17 cases of dispute regarding which municipality is the  
18 municipality of responsibility, the municipality  
19 where the application has been filed shall provide  
20 support until responsibility has been determined by  
21 the department. The department shall make a written  
22 determination within 10 working days of a complaint  
23 or notification of a dispute. The department's deci-  
24 sion shall include the sources of information relied  
25 upon, findings of fact and conclusions of law regard-  
26 ing which municipality is responsible and the reim-  
27 bursement due, if any, from the responsible munici-  
28 pality to the municipality providing assistance. If  
29 after 30 days the reimbursement has not been paid,  
30 the municipality to which reimbursement is due shall  
31 notify the department. The department shall credit  
32 the municipality owed the reimbursement and either  
33 deduct that amount from the debtor municipality or  
34 refer the bill to the Treasurer of State for payment  
35 from any taxes, revenue, fines or fees due from the  
36 State to the municipality.

37 6. Appeals. Any municipality or person who is  
38 aggrieved by any decision or action made by the de-  
39 partment pursuant to this section shall have the  
40 right to appeal pursuant to the Maine Administrative  
41 Procedure Act, Title 5, chapter 375, subchapter IV.

1 A request for that appeal shall be in writing and  
2 shall be made within 30 days of the written depart-  
3 ment decision. The appeal shall be held within 30  
4 days of receipt of that request and shall be con-  
5 ducted by one or more fair hearing officers. In no  
6 event may an appeal be held before a person or body  
7 responsible for the decision or action. Review of  
8 any decision under this subsection shall be pursuant  
9 to the Maine Rules of Civil Procedure, Rule 80C.

10 Sec. 2. 22 MRSA §4311, sub-§4 is enacted to  
11 read:

12 4. Funds. Funds made available to the Depart-  
13 ment of Human Services for the General Assistance  
14 Program shall not lapse, but shall be carried forward  
15 to the next fiscal year to be expended for the same  
16 purposes.

17 PART D

18 22 MRSA §1714 is enacted to read:

19 §1714. Charitable care

20 Upon admission or, in the cases of emergency ad-  
21 mission, discharge of a patient without medical in-  
22 surance, hospitals shall determine the eligibility of  
23 the patient for any federal or state programs of med-  
24 ical assistance. If the patient is not eligible for  
25 such programs, but meets the financial requirements  
26 of the medically needy program, the hospital's care  
27 shall be provided as charitable care pursuant to  
28 rules of the Maine Health Care Finance Commission,  
29 section 396. In no event may the hospital care of a  
30 person who meets the financial requirements of the  
31 medically needy program be billed to the individual  
32 or to a municipality.

33 PART E

34 22 MRSA §4301, sub-§5, as enacted by PL 1983, c.  
35 577, §1, is amended to read:

36 5. General assistance program. "General assist-  
37 ance program" means a service administered by a mu-  
38 nicipality for the immediate aid of persons who are

1 unable to provide the basic necessities essential to  
2 maintain themselves or their families. A general as-  
3 sistance program provides a specific amount and type  
4 of aid, cash excluded, for defined needs during a  
5 limited period of time and is not intended to be a  
6 continuing "grant-in-aid" or "categorical" welfare  
7 program. This definition shall not in any way lessen  
8 the responsibility of each municipality to provide  
9 general assistance to a person each time that the  
10 person has need and is found to be otherwise eligible  
11 to receive general assistance.

12 PART F

13 Sec. 1. 22 MRSA §3759, as enacted by PL 1983, c.  
14 477, Pt. E, subpt. 8, is repealed.

15 Sec. 2. 22 MRSA §3759-A is enacted to read:

16 §3759-A. Increases in standard of need

17 1. Report of commissioner. The commissioner  
18 shall report annually by October 1st:

19 A. The percentage increase in the National Con-  
20 sumer Price Index for all urban consumers, the  
21 United States city average in the 12 months pre-  
22 ceding June 30th of that year and the projected  
23 amount of funds required to provide the same per-  
24 centage increase in the Aid to Families with De-  
25 pendent Children Standard of Need effective July  
26 1st of the following year;

27 B. The difference between the standard of need  
28 as compared with a full contemporary and adequate  
29 standard of living as measured by the United  
30 States Department of Labor, Bureau of Labor Sta-  
31 tistics' lower living standard; and

32 C. The amount of additional increase that will  
33 be required to meet the contemporary standard of  
34 living within 10 years.

35 2. Increase in standard of need. On July 1,  
36 1988, and each year thereafter, the Aid to Families  
37 with Dependent Children Standard of Need shall be in-  
38 creased by the percentage increase in the National



1 Consumer Price Index in the 12 months preceding June  
2 30th of the previous year.

3       **Sec. 3. Transitional provisions.** On January 1,  
4 1988, the Aid to Families with Dependent Children  
5 Standard of Need shall be increased by 1.6%.

6       **Sec. 4. Appropriation.** The following funds are  
7 appropriated from the General Fund to carry out the  
8 purposes of this Act.

9		<u>1987-88</u>	<u>1988-89</u>
10	<u>HUMAN SERVICES, DE-</u>		
11	<u>PARTMENT OF</u>		
12	Aid to Families with Depen-		
13	dent Children		
14	All Other	\$229,372	\$932,956
15	Provides funds for		
16	annual increases in		
17	the Aid to Families		
18	with Dependent Chil-		
19	dren Standard of		
20	Need reflecting the		
21	rate of inflation.		
22	Medical Care - payment to		
23	providers		
24	All Other		62,703
25	Provides funds for		
26	increased medical		
27	payments resulting		
28	from increases in		
29	Aid to Families with		
30	Dependent Children		
31	Standard of Need.		
32			
33	Total	<u>\$229,372</u>	<u>\$995,659</u>

34       **Sec. 5. Allocation.** The following funds are al-  
35 located from the Federal Expenditure Fund to carry  
36 out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
1		
2	<u>HUMAN SERVICES, DE-</u>	
3	<u>PARTMENT OF</u>	
4	Aid to Families with Depen-	
5	dent Children	
6	\$476,823	\$1,837,104
7	All Other	
8	Medical Care - payment to	
9	providers	
10		194,697
11	<u>\$476,823</u>	<u>\$2,031,801</u>
12	Total	

PART G

Sec. 1. 22 MRSA §3760-A is enacted to read:

§3760-A. Special needs payment for recipients of Aid to Families with Dependent Children with excess shelter costs

The department shall provide a special needs payment to all recipients of Aid to Families with Dependent Children whose shelter costs are excessive as determined in accordance with rules of the department.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
26	<u>HUMAN SERVICES, DEPART-</u>	
27	<u>MENT OF</u>	
28	Bureau of Income Main-	
29	tenance	
30	\$2,525,645	\$2,618,957
31	All Other	
32	Funds to go to Aid	
33	to Families with	
	Dependent Children	

1 Program. Provides  
2 funds for special  
3 needs payments of  
4 up to \$100 each  
5 month to Aid to  
6 Families with De-  
7 pendent Children  
8 families whose  
9 shelter costs ex-  
10 ceed 75% of their  
11 incomes.

12 Sec. 3. Allocation. The following funds are al-  
13 located from the Federal Expenditure Fund to carry  
14 out the purposes of this Act.

15 1987-88      1988-89

16 HUMAN SERVICES, DEPART-  
17 MENT OF

18 Bureau of Income Main-  
19 tenance

20 All Other \$5,250,355    \$5,157,043

21 Allocates funds  
22 for special needs  
23 payments of up to  
24 \$100 each month to  
25 AFDC families  
26 whose shelter  
27 costs exceed 75%  
28 of their incomes.

29 **PART H**

30 Sec. 1. 22 MRSA §3760-B is enacted to read:

31 §3760-B. Assistance to first-time pregnant women

32 1. Definition. For the purposes of this sec-  
33 tion, "first-time pregnant woman" means a woman, with  
34 no dependents under the age of 18, who otherwise  
35 meets the eligibility requirements of the Aids to  
36 Families with Dependent Children Program.

1           2. Eligibility. Any first-time pregnant woman  
2 who meets the other eligibility requirements of the  
3 Aid to Families with Dependent Children Program is  
4 eligible for the monthly benefit for one eligible  
5 person if the medically substantiated expected date  
6 of the birth of her child is not more than 90 days  
7 following the date the benefit is received.

8           **Sec. 2. Appropriation.** The following funds are  
9 appropriated from the General Fund to carry out the  
10 purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
11		
12	<u>HUMAN SERVICES, DEPARTMENT OF</u>	
13	Bureau of Income Maintenance	
14	Bureau of Income Maintenance	
15	All Other	\$128,000      \$135,000
16	Funds to go to Aid to	
17	Families with Dependent	
18	Children Program. Pro-	
19	vides \$191 maximum	
20	monthly benefit amount	
21	to a first-time preg-	
22	nant woman in her last	
23	trimester of pregnancy.	

24           **Sec. 3. Allocation.** The following funds are al-  
25 located from the Federal Expenditure Fund to carry  
26 out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
27		
28	<u>HUMAN SERVICES, DEPARTMENT OF</u>	
29	Bureau of Income Maintenance	
30	Bureau of Income Maintenance	
31	All Other	\$273,000      \$266,000
32	Allocates funds for	
33	monthly benefit pay-	
34	ments for a first-time	
35	pregnant woman in her	

1 last trimester of preg-  
2 nancy.

3 PART I

4 Sec. 1. Appropriation. The following funds are  
5 appropriated from the General Fund to carry out the  
6 purposes of this Act.

7		<u>1987-88</u>	<u>1988-89</u>
8	<u>HUMAN SERVICES, DEPARTMENT OF</u>		
9	Bureau of Income Mainte-		
10	nance		
11	All Other	\$56,302	\$58,382
12	Funds to go to the		
13	Medicaid Program for		
14	the purpose of extend-		
15	ing coverage to Aid to		
16	Families with Dependent		
17	Children families los-		
18	ing coverage due to re-		
19	turn to work pursuant		
20	to United States Code,		
21	Title 42, Section		
22	602(A) (37).		

23 Sec. 2. Allocation. The following funds are al-  
24 located from the Federal Expenditure Fund to carry  
25 out the purposes of this Act.

26		<u>1987-88</u>	<u>1988-89</u>
27	<u>HUMAN SERVICES, DEPARTMENT OF</u>		
28	Bureau of Income		
29	Maintenance		
30	All Other	\$117,179	\$115,099
31	Allocates funds for an		
32	extension of Medicaid		
33	coverage to Aid to Fam-		
34	ilies with Dependent		

1 Children families los-  
2 ing Medicaid due to re-  
3 turn to work, pursuant  
4 to the United States  
5 Code, Title 42, Section  
6 602(A) (37).

7 PART J

8 Sec. 1. 22 MRSa §4311, sub-§1, as enacted by PL  
9 1983, c. 577, §1, is amended to read:

10 1. Departmental reimbursement. When a municipal-  
11 ity incurs net general assistance costs in any fiscal  
12 year in excess of .0003 of that municipality's 1981  
13 state valuation as determined by the State Tax Asses-  
14 sor in the statement filed by him as provided in Ti-  
15 tle 36, section 381, the Department of Human Services  
16 shall reimburse the municipality for 90% of the  
17 amount in excess of these expenditures when the de-  
18 partment finds that the municipality has been in com-  
19 pliance with all requirements of this chapter. If a  
20 municipality elects to determine need without consid-  
21 eration of funds distributed from any  
22 municipally-controlled trust fund which must other-  
23 wise be considered for purposes of this chapter, the  
24 department shall reimburse the municipality for 66  
25 2/3% of the amount in excess of such expenditures  
26 when the department finds that the municipality has  
27 otherwise been in compliance with all requirements of  
28 this chapter.

29 In addition to the reimbursement described in this  
30 subsection, the department shall reimburse each mu-  
31 nicipality an amount equal to:

32 A. Fifty percent of all general assistance  
33 granted below the .0003% of state valuation  
34 amount; or

35 B. Reasonable administrative costs of their Gen-  
36 eral Assistance Program, defined as 10% of net  
37 general assistance cost.

38 Each municipality shall elect additional reimburse-  
39 ment under paragraph A or B at the close of the fis-  
40 cal year. The department shall reimburse the municipi-



1 Part B expands the Welfare, Employment, Education  
2 and Training Program (WEET) to increase the job  
3 training assistance to Aid to Families with Dependent  
4 Children recipients. Maine's WEET Program, estab-  
5 lished in 1982, has consistently been one of the most  
6 productive programs in helping AFDC recipients become  
7 self-sufficient. The program has attracted national  
8 attention for its ability to help AFDC recipients be-  
9 come employable and employed. The WEET Program has a  
10 waiting list of over 350 applicants.

11 Part C amends the residency requirements in re-  
12 gard to determining which municipality is responsible  
13 for general assistance applicants. In the past,  
14 there has been some confusion among municipalities  
15 regarding residency and assistance to relocate as re-  
16 lates to the general assistance program. This part  
17 amends the law to clarify the existing language  
18 wherever possible without changing the meaning and to  
19 provide a procedure to resolve disputes between mu-  
20 nicipalities concerning which municipality is respon-  
21 sible.

22 Specifically, Part C contains the following spe-  
23 cific changes to current law:

24 1. Amends the definition of resident to conform  
25 more closely to the traditional use and understanding  
26 of the word resident; it retains the 2 traditional  
27 elements of residency:

28 A. Physical presence; and

29 B. Intention to remain.

30 In addition, the language further defines resident as  
31 someone who has no other residence. The amended lan-  
32 guage makes it clear that if a person is not a resi-  
33 dent elsewhere, the municipality where the person  
34 first applied is responsible until a new residence is  
35 established;

36 2. Provides a more detailed definition of re-  
37 sponsibility for assistance given to an applicant or  
38 recipient who is in a group home, shelter or similar  
39 institution. In addition, hotels, motels and other  
40 similar institutions are included in this category;



1 and

2 3. Creates a dispute resolution mechanism where-  
3 by a municipality may petition the Department of Hu-  
4 man Services to determine responsibility under the  
5 law. Until that determination is made, the municipi-  
6 pality where the applicant first applied is responsi-  
7 ble for providing assistance. The decision of the  
8 department may be appealed.

9 Part D prohibits hospital expenses from being  
10 billed to a municipality's general assistance pro-  
11 gram.

12 Part E prohibits general assistance disbursements  
13 in the form of cash. This recommendation of the com-  
14 mission was not a unanimous recommendation of the ma-  
15 jority report.

16 Part F indexes the AFDC standard of need in order  
17 to keep pace with inflation. The standard of need  
18 will be increased each year by the rate of inflation  
19 during the previous fiscal year.

20 Part G provides an AFDC special needs supplement  
21 to help AFDC recipients meet the cost of shelter. Up  
22 to \$100 a month will be available for an AFDC family  
23 whose shelter costs exceed 75% of their total income.

24 Part H provides AFDC benefits to first-time preg-  
25 nant women in their 3rd trimester of pregnancy. Prop-  
26 er prenatal care is an important factor in determin-  
27 ing the health of a child after it is born. This  
28 bill provides a benefit for women in their third  
29 trimester of pregnancy who would otherwise be eligi-  
30 ble for AFDC upon the birth of their children. It is  
31 believed that this earlier assistance will help pro-  
32 mote the future health and well-being of the affected  
33 children and their families.

34 Part I provides the funds to allow the Department  
35 of Human Services to provide an additional 6 months  
36 of Medicaid coverage permitted under federal law, to  
37 qualified Aid to Families with Dependent Children  
38 families who lose Medicaid benefits due to return to  
39 work.

1 Part J provides for additional reimbursement by  
2 the State to the municipalities for expenses incurred  
3 through the General Assistance Program. Each municipi-  
4 pality shall choose one of the following options for  
5 additional reimbursement:

6 1. State funding of 50% of all municipal general  
7 assistance expenditures below the current threshold.  
8 (Continue reimbursement at 90% above that obligation  
9 threshold); or

10 2. State reimbursement for the reasonable admin-  
11 istrative costs of the General Assistance Program,  
12 calculated as 10% of the general assistance cost for  
13 that municipality.

14

2899051987