

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1706

H.P. 1250 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 Amend 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 the general public, with special encouragement given
2 to general assistance administrators and applicants
3 to utilize the service.

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

	<u>1987-88</u>	<u>1988-89</u>
8 <u>HUMAN SERVICES, DEPARTMENT OF</u>		
9 Administration - Income		
10 Maintenance		
11 Positions	(5)	(5)
12 Personal Services	\$120,000	\$128,000
13 All Other	40,337	43,936
14 Capital Expenditures	5,000	
15 Total	<u>\$165,337</u>	<u>\$171,936</u>

17 **PART B**

18 **Sec. 1. 22 MRSA §4307,** as enacted by PL 1983, c.
19 577, §1, is repealed and the following enacted in its
20 place:

21 §4307. Municipality of responsibility; residency

22 1. General assistance required. Municipalities
23 shall provide general assistance to all eligible per-
24 sons at the expense of that municipality, except as
25 provided in section 4311.

26 A municipality shall not move or transport a person
27 into another municipality to avoid responsibility for
28 general assistance support for that person. Any mu-
29 nicipality which illegally moves or transports a per-
30 son, or illegally denies assistance to a person which
31 results in his relocation, in addition to the other
32 penalties provided in this chapter, shall reimburse
33 twice the amount of assistance to the municipality
34 which provided the assistance to that person. That
35 reimbursement shall be made in accordance with sub-
36 section 5.

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

5 A. Residents of that municipality. For the pur-
6 poses of this section, a "resident" means a per-
7 son who is physically present in a municipality
8 with the intention of remaining in that munici-
9 pality to maintain or to establish a home and who
10 has no other residence; and

11 B. Eligible persons who apply to the municipali-
12 ty for assistance and who are not residents of
13 that or any other municipality. If a person is
14 not a resident of any municipality, the munici-
15 pality where that person first applies shall be
16 responsible for support until a new residence is
17 established.

18 3. Durational residency requirement prohibited.
19 No municipality may establish a durational residency
20 requirement for general assistance.

21 4. Special circumstances. Overseers of a munic-
22 ipality shall not move or transport an applicant or
23 recipient into another municipality to relieve their
24 municipality of responsibility for that applicant's
25 or recipient's support. The municipality of respon-
26 sibility for relocations and institutional settings
27 shall be as follows.

28 A. When an applicant or recipient requests relo-
29 cation to another municipality and the overseers
30 of a municipality assist that person to relocate
31 to another municipality, the municipality from
32 which that person is moving shall continue to be
33 responsible for the support of the recipient for
34 30 days after relocation. As used in this para-
35 graph, assist includes:

36 (1) Granting financial assistance to relo-
37 cate; and

38 (2) Making arrangements for a person to re-
39 locate.

1 B. If an applicant is in a group home, shelter,
2 rehabilitation center, nursing home, hospital or
3 other institution at the time of application and
4 has either been in that institution for 6 months
5 or less, or had a residence immediately prior to
6 entering the institution which he had maintained
7 and to which he intends to return, the municipal-
8 ity of responsibility shall be the municipality
9 where the applicant was a resident immediately
10 prior to entering the institution. For the pur-
11 pose of this paragraph, a hotel, motel or similar
12 place of temporary lodging is considered an in-
13 stitution when a municipality:

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

16 (2) Makes arrangements for a person to stay
17 in temporary lodging;

18 (3) Advises or encourages a person to stay
19 in temporary lodging; or

20 (4) Illegally denies housing assistance
21 and, as a result of that denial, the person
22 stays in temporary lodging.

23 5. Disputes between municipalities. Nothing
24 contained in this section permits a municipality to
25 deny assistance to an otherwise eligible applicant
26 when there is any dispute regarding residency. In
27 cases of dispute regarding which municipality is the
28 municipality of responsibility, the municipality
29 where the application has been filed shall provide
30 support until responsibility has been determined by
31 the department. The department shall make a written
32 determination within 10 working days of a complaint
33 or notification of a dispute. The department's deci-
34 sion shall include the sources of information relied
35 upon, findings of fact and conclusions of law regard-
36 ing which municipality is responsible and the reim-
37 bursement due, if any, from the responsible muni-
38 cipality to the municipality providing assistance. If
39 after 30 days the reimbursement has not been paid,
40 the municipality to which reimbursement is due shall
41 notify the department. The department shall credit
42 the municipality owed the reimbursement and either

1 deduct that amount from the debtor municipality or
2 refer the bill to the Treasurer of State for payment
3 from any taxes, revenue, fines or fees due from the
4 State to the municipality.

5 6. Appeals. Any municipality or person who is
6 aggrieved by any decision or action made by the de-
7 partment pursuant to this section shall have the
8 right to appeal pursuant to the Maine Administrative
9 Procedure Act, Title 5, chapter 375, subchapter IV.
10 A request for that appeal shall be in writing and
11 shall be made within 30 days of the written depart-
12 ment decision. The appeal shall be held within 30
13 days of receipt of that request and shall be con-
14 ducted by one or more fair hearing officers. In no
15 event may an appeal be held before a person or body
16 responsible for the decision or action. Review of
17 any decision under this subsection shall be pursuant
18 to the Maine Rules of Civil Procedure, Rule 80C.

19 Sec. 2. 22 MRSAs §4311, sub-§4 is enacted to
20 read:

21 4. Funds. Funds made available to the Depart-
22 ment of Human Services for the general assistance
23 program shall not lapse, but shall be carried forward
24 to the next fiscal year to be expended for the same
25 purposes.

26 **PART C**

27 22 MRSAs §1714 is enacted to read:

28 §1714. Charitable care

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

1 or to a municipality.

2 PART D

3 22 MRSA §4301, sub-§5, as enacted by PL 1983, c.
4 577, §1, is amended to read:

5 5. General assistance program. "General assist-
6 ance program" means a service administered by a mu-
7 nicipality for the immediate aid of persons who are
8 unable to provide the basic necessities essential to
9 maintain themselves or their families. A general as-
10 sistance program provides a specific amount and type
11 of aid, cash excluded, for defined needs during a
12 limited period of time and is not intended to be a
13 continuing "grant-in-aid" or "categorical" welfare
14 program. This definition shall not in any way lessen
15 the responsibility of each municipality to provide
16 general assistance to a person each time that the
17 person has need and is found to be otherwise eligible
18 to receive general assistance.

19 PART E

20 Sec. 1. 22 MRSA §4311, sub-§1, as enacted by PL
21 1983, c. 577, §1, is amended to read:

22 1. Departmental reimbursement. When a municipal-
23 ity incurs net general assistance costs in any fiscal
24 year in excess of .0003 of that municipality's 1981
25 state valuation as determined by the State Tax Asses-
26 sor in the statement filed by him as provided in Ti-
27 tle 36, section 381, the Department of Human Services
28 shall reimburse the municipality for 90% of the
29 amount in excess of these expenditures when the de-
30 partment finds that the municipality has been in com-
31 pliance with all requirements of this chapter. If a
32 municipality elects to determine need without consid-
33 eration of funds distributed from any
34 municipally-controlled trust fund which must other-
35 wise be considered for purposes of this chapter, the
36 department shall reimburse the municipality for 66
37 2/3% of the amount in excess of such expenditures
38 when the department finds that the municipality has
39 otherwise been in compliance with all requirements of
40 this chapter.

1 In addition to the reimbursement described in this
2 subsection, the Department of Human Services shall
3 reimburse each municipality an amount equal to ei-
4 ther:

5 A. Fifty percent of all general assistance
6 granted below the .0003% of state valuation
7 amount; or

8 B. Reasonable administrative costs of their gen-
9 eral assistance program, defined as 10% of net
10 general assistance cost.

11 Each municipality shall elect additional reimburse-
12 ment under paragraph A or B at the close of the fis-
13 cal year. The department shall reimburse the munici-
14 pality the additional reimbursement when the depart-
15 ment finds that the municipality has been in compli-
16 ance with all requirements of this chapter.

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

20 1987-88 1988-89

21 HUMAN SERVICES, DEPARTMENT OF

22 Bureau of Income Mainte-
23 nance

24 All Other \$1,730,092 \$1,851,200

25 Funds to go to the gen-
26 eral assistance program
27 to provide for in-
28 creased state reim-
29 bursement to municipal-
30 ities for general as-
31 sistance.

1 STATEMENT OF FACT

2 This bill represents the legislation proposed by
3 the Minority Report of the Special Select Commission
4 on the Administration and Financing of General As-
5 sistance.

6 Part A of the bill establishes a comprehensive
7 information and referral service for social services.
8 Social services exist to provide assistance to those
9 in need. If those in need do not know about avail-
10 able services, they cannot have access to them. This
11 part provides for a focused vehicle for transferring
12 complete current information between those in need
13 and those able to provide assistance. The appropria-
14 tion includes funds for 5 staff people: A supervi-
15 sor, a research technician, a clerical worker and 2
16 intake workers, to staff the phones; 2 WATS lines;
17 space; computer time; and capital investment, desk,
18 phones, typewriter and other supplies.

19 Part B amends the residency requirements in re-
20 gard to determining which municipality is responsible
21 for general assistance applicants. In the past,
22 there has been some confusion among municipalities
23 regarding residency and assistance to relocate as re-
24 lates to the general assistance program. This Part
25 amends the law to clarify the existing language
26 wherever possible without changing the meaning and to
27 provide a procedure to resolve disputes between mun-
28 icipalities concerning which municipality is respon-
29 sible.

30 Specifically, Part B contains the following spe-
31 cific changes to current law:

32 1. Changes the definition of resident to conform
33 more closely to the traditional use and understanding
34 of the word "resident;" it retains the 2 traditional
35 elements of residency:

36 A. Physical presence; and

37 B. Intention to remain.

38 In addition, Part B further defines resident as some-

1 one who has no other residence. The bill also makes
2 it clear that if a person is not a resident else-
3 where, the municipality where the person first ap-
4 plied is responsible until a new residence is estab-
5 lished;

6 2. Provides a more detailed definition of re-
7 sponsibility for assistance given to an applicant or
8 recipient who is in a group home, shelter or similar
9 institution. In addition, hotels, motels and other
10 similar institutions are included in this category;
11 and

12 3. Creates a dispute resolution mechanism where-
13 by a municipality may petition the Department of Hu-
14 man Services to determine responsibility under the
15 law. Until that determination is made, the munici-
16 pality where the applicant first applied is respon-
17 sible for providing assistance. The decision of the
18 department may be appealed.

19 Part C prohibits hospital expenses from being
20 billed to a municipality's general assistance pro-
21 gram.

22 Part D prohibits general assistance disbursements
23 in the form of cash.

24 Part E provides for additional reimbursement by
25 the State to the municipalities for expenses incurred
26 through the general assistance program. Each munici-
27 pality will choose one of the following options for
28 additional reimbursement:

29 1. State funding of 50% of all municipal general
30 assistance expenditures below the current threshold.
31 Continue reimbursement at 90% above that obligation
32 threshold; or

33 2. State reimbursement for the reasonable admin-
34 istrative costs of the general assistance program,
35 calculated as 10% of the general assistance cost for
36 that municipality.

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