

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1386

H.P. 997

House of Representatives, April 27, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

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STATE OF MAINE

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

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**An Act to Correct Errors and Inconsistencies Regarding Reporting  
Requirements in the General Assistance Laws.**

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

3 Sec. 1. 22 MRSA §4305, sub-§4, as amended by PL 1985, c. 489,  
5 §§4 and 14, is repealed and the following enacted in its place:

7 4. Ordinance filed. Each municipality shall file a copy of  
9 its general assistance ordinance and copies of any forms it uses  
11 with the Department of Human Services. Any time a municipality  
13 amends its ordinance it shall file a copy of the amendment with  
15 the department.

17 Within 60 days of receiving an ordinance, the department shall  
19 review it for compliance with the law. If the department finds  
21 that the ordinance complies with the law, it shall provide the  
23 municipality with a written certificate of compliance. If the  
25 department finds that the ordinance is not in compliance with the  
27 law, the department shall notify the municipality in writing  
29 specifying what provisions violate the law and provide the  
31 municipality with suggested alternative language. The  
33 municipality shall have 30 days to appeal the department's  
35 decision, pursuant to section 4323, or 60 days to amend its  
37 ordinance. If the department fails to provide written notice to  
39 the municipality regarding whether the ordinance complies with  
41 the law, the ordinance shall be deemed to comply with the law.

43 Sec. 2. 22 MRSA §4311, sub-§1-B, as enacted by PL 1987, c.  
45 833, is amended to read:

47 1-B. Reimbursement for administrative expenses. The  
49 department shall reimburse each municipality for the  
51 administrative costs of its general assistance program if the  
department finds that the municipality was in compliance with all  
requirements of this chapter during the fiscal year for which  
reimbursement is sought. The amount of reimbursement to each  
municipality shall be an amount equal to:

53 A. Fifty percent of all general assistance granted to by  
55 that municipality below ~~the .0003% of all .0003~~ of that  
57 municipality's 1981 state valuation amount; or

59 B. Reasonable administrative costs of the municipality's  
61 general assistance program, defined as 10% of net gross  
63 general assistance cost.

65 Each municipality shall elect to be reimbursed under paragraph A  
67 or B at the beginning of the fiscal year for which reimbursement  
69 is sought and shall elect at that time to file monthly, quarterly  
71 or annual reports. The department shall notify each municipality  
annually of this requirement and the reporting requirements and  
shall provide copies of the report forms necessary to meet the  
requirements of this section.

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Notwithstanding any other provision of law, this subsection shall take effect on July 1, 1989.

Sec. 3. 22 MRS §4311, sub-§2, as amended by PL 1985, c. 567, is repealed and the following enacted in its place:

2. Submission of reports. Municipalities shall submit reports as follows. All reports shall be considered requests for reimbursement.

A. Municipalities which received reimbursement during the previous year pursuant to subsection 1, must submit monthly reports on forms provided by the department.

B. All other municipalities must submit quarterly or annual reports.

Sec. 4. 22 MRS §4311, sub-§3, as enacted by PL 1983, c. 577, §1, is repealed and the following enacted in its place:

3. Refusal to pay. The Department of Human Services may refuse to reimburse any municipality which fails, without good cause, to submit its reports within 90 days of the end of the period covered by the report. The department shall establish standards to determine good cause by rule.

**STATEMENT OF FACT**

The purpose of this bill is to correct several errors or inconsistencies regarding state reimbursement to municipalities for general assistance expenses. Section 1 of the bill expands the Department of Human Services' responsibility to review all general assistance ordinances by requiring the department to notify the municipality if an ordinance complies with the law. If the ordinance is in compliance with the law, the department would be required to send a certificate of compliance to the municipality to inform the municipality that the ordinance has been reviewed and meets the requirements of the law. If the ordinance doesn't meet the requirements of the law, then the department would be required to notify the municipality and inform it of the problem and provide suggested corrective language. If the department fails to notify the municipality in writing within 60 days of receiving the ordinance, the ordinance will be considered in compliance with the law.

Beginning in July 1989, all municipalities which spend any funds on general assistance will be entitled to receive at least 50% reimbursement starting with the first dollar spent;

1 municipalities which reach the .0003% of their 1981 valuation  
2 threshold would also continue to receive 90% reimbursement.  
3 Section 2 corrects an error by clarifying that the threshold  
4 level is .0003 of the municipality's 1981 valuation. Public Law  
5 1987, chapter 833, inadvertently read .0003% of all state  
6 valuation. Section 2 also requires the department to notify each  
7 municipality of the reimbursement provisions annually and  
8 requires municipalities to choose when they will file their  
9 expenditure statements.

11 Section 3 specifies that those municipalities which received  
12 90% reimbursement during the previous year will be required to  
13 file monthly reports as they currently are required to file while  
14 all other municipalities will be required to file quarterly or  
15 annual reports. All reports will be considered requests for  
16 reimbursement, since all municipalities which spend funds on  
17 general assistance will be entitled to receive reimbursement.

19 Section 4 clarifies when the department may refuse to pay  
20 reimbursement to a municipality by allowing the department to  
21 consider good cause if a municipality files a report later than  
22 90 days after the period of the report. This is intended to  
23 clarify that the State recognizes its responsibility to provide  
24 partial funding of general assistance expenses and will not  
25 withhold reimbursement unless a municipality refuses to comply  
26 with the reporting requirements without good cause.  
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