

MAINE STATE LEGISLATURE

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L.D. 1663

(Filing No. H-495)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1196, L.D. 1663, Bill, "An Act to Clarify the Liability of Relatives for Support"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'22 MRSA §4319, as amended by PL 1983, c. 701, §5, is repealed and the following enacted in its place:

§4319. Liability of relatives for support

1. Relatives liable. A parent or grandparent living in or owning property in the State shall support persons for whom they are legally responsible in proportion to their respective ability. Liability for burial expenses is governed by section 4313.

2. Exception. A municipality or the State may decide not to make payments for rental assistance on behalf of an otherwise eligible individual when the rental payments would be made to a parent or grandparent, by consanguinity, unless the municipality finds that the rental arrangement has existed for 3 months prior to the application for assistance and is necessary to provide the parent or grandparent with basic necessities.

3. Recovery of assistance provided. A municipality or the State, after providing general assistance to a dependent of a legally responsible parent or grandparent who is financially capable of providing support, may then seek reimbursement or relief for that support by initiating a complaint to the Superior Court or District Court, including by small claims action, located in the division or county where the legally responsible parent or grandparent resides. The court may cause the legally responsible parent or grandparent to be summoned and upon hearing or default may assess and apportion a reasonable sum upon those who are found to be of sufficient ability for the support of the

1 eligible person and shall issue a writ of execution. The
2 assessment shall not be made to pay any expense for relief
3 provided more than 6 months before the complaint was filed. Any
4 action brought under this section shall be governed by the Maine
5 Rules of Civil Procedure. The court may, from time to time, make
6 any further order on complaint of a party interested and, after
7 notice is given, alter the assessment or apportionment.'

9
11 **STATEMENT OF FACT**

13 This amendment permits municipalities to refuse to make
14 general assistance payments for rent when the payments would be
15 made to parents or grandparents, the rental relationship has not
16 existed for 3 months and the rental payments are not necessary to
17 provide basic necessities to the parent or grandparent. The
18 amendment also clarifies that this section does not apply to
19 burial expenses and modernizes the language relating to recovery
or expenses.

Reported by the Majority of the Committee on Human Resources
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6/12/89 (Filing No. H-495)