

MAINE STATE LEGISLATURE

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OK
R. of S.

L.D. 1889

(Filing No. S-622)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 712, L.D. 1889, Bill, "An Act to Clarify and Improve the General Assistance Laws"

Amend the bill in section 1 in subsection 6 in the 7th line (page 1, line 12 in L.D.) by inserting after the following "alternative." the following: 'Nothing in this subsection overrides the provisions of section 4309, subsection 3.'

Further amend the bill in section 2 in subsection 7 in the last paragraph (page 3, lines 1 to 8 in L.D.) by striking out the last 3 sentences and inserting in their place the following:

'Notwithstanding this prospective calculation, if an applicant or recipient receives a lump sum payment after an initial application, that payment must be prorated over future months. The period of proration must be determined by disregarding the first \$1,000 plus any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities and dividing the remainder of the lump sum payment by the maximum monthly amount of assistance that the household may receive. The prorated sum for each month must be considered available to the household for 6 months or during the period of proration, whichever is less, except that an applicant may not be considered ineligible to receive emergency assistance under section 4308, subsection 2, or under section 4310 during the period of proration. The lump sum provisions of this subsection apply only to applicants or recipients who have received prior notice of the provisions. They do not apply to applicants or recipients whose actual weekly income is less than 40 times the federal minimum hourly wage prescribed by 29 United States Code, Section 206(a)(1).'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 22 MRSA §4301, sub-§8-A is enacted to read:

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2 8-A. Lump sum payment. "Lump sum payment" means a one-time
 4 or typically nonrecurring sum of money issued to an applicant or
 6 recipient after an initial application. Lump sum payment
 8 includes, but is not limited to, retroactive or settlement
 10 portions of social security benefits, workers' compensation
 12 payments, unemployment benefits, disability income, veterans'
 14 benefits, severance pay benefits, or money received from
 16 inheritances, lottery winnings, personal injury awards, property
 damage claims or divorce settlements. A lump sum payment
 includes only the amount of money available to the applicant
 after payment of required deductions has been made from the gross
 lump sum payment. A lump sum payment does not include conversion
 of a nonliquid resource to a liquid resource if the liquid
 resource has been used or is intended to be used to replace the
 converted resource or for other necessary expenses.

18 **Sec. 4. 22 MRSA §4309, sub-§1, as enacted by PL 1983, c. 577,**
 20 **§1, is amended to read:**

22 **1. Eligibility of applicant; duration of eligibility.** The
 24 overseer shall ~~make a determination of~~ determine eligibility each
 26 time a person applies or reapplies for general assistance
 28 pursuant to this chapter and the ordinance adopted by the
 municipality in accordance with section 4305. The period of
 eligibility shall ~~must be for a period~~ not to exceed one month,
 ~~whereupon at.~~ At the expiration of that period the person may
 reapply for assistance and ~~his~~ the person's eligibility may be
 redetermined.

30 **Sec. 5. 22 MRSA §4309, sub-§§1-A and 1-B are enacted to read:**

32 **1-A. Determination of eligibility; applicant's**
 34 **responsibilities.** Applicants for general assistance are
 36 responsible for providing to the overseer all information
 38 necessary to determine eligibility. If further information or
 40 documentation is necessary to demonstrate eligibility, the
 42 applicant must have the first opportunity to provide the specific
 information or documentation required by the overseer. When
 information required by the overseer is unavailable, the overseer
 must accept alternative available information, which is subject
 to verification.

44 **1-B. Determination of eligibility; overseer's**
 46 **responsibilities.** In order to determine an applicant's
 48 eligibility for general assistance, the overseer first must seek
 information and documentation from the applicant. Once the
 applicant has presented the necessary information, the overseer
 is responsible for determining eligibility. The overseer may
 seek verification necessary to determine eligibility. In order

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2 to determine eligibility, the overseer may contact sources other
4 than the applicant for verification only with the specific
6 knowledge and consent of the applicant, except that the overseer
8 may examine public records without the applicant's knowledge and
10 consent. Assistance may be denied or terminated if the applicant
12 is unwilling to supply the overseer with necessary information,
14 documentation, or permission to make collateral contacts, or if
16 the overseer can not determine that eligibility exists based on
18 information supplied by the applicant or others.

20 Sec. 6. 22 MRSA §4309, sub-§2, as enacted by PL 1983, c. 577,
22 §1, is amended to read:

24 2. **Redetermination of eligibility.** The overseer may
26 redetermine a person's eligibility at any time during the period
28 that person is receiving assistance if the overseer is notified
30 of any change in the recipient's circumstances which that may
32 affect the amount of assistance to which the recipient is
34 entitled or which that may make the recipient ineligible,
36 provided that once a determination of eligibility has been made
38 for a specific time period, no a reduction in assistance for that
40 time period may not be made without prior written notice to the
42 recipient with the reasons for the action and an opportunity for
44 the recipient to receive a fair hearing upon the proposed change.

26 ~~The--overseer--shall--seek--the--facts--necessary--to--establish~~
28 ~~eligibility--first--from--the--applicant,--Facts--sought--from--other~~
30 ~~seources,--with--the--exception--of--public--records,--shall--be--gathered~~
32 ~~only--with--the--knowledge--of--the--applicant,--~~

34 ~~When--available--information--is--inconclusive--or--conflicting~~
36 ~~regarding--a--fact--which--is--material--and--necessary--to--determine~~
38 ~~eligibility,--the--applicant--will--be--advised--as--to--what--questions~~
40 ~~remain,--Te--be--considered--inconclusive--or--conflicting,--the~~
42 ~~information--on--the--application--must--be--inconsistent--with~~
44 ~~statements--made--by--the--applicant,--inconsistent--with--other~~
46 ~~information--on--the--application--or--previous--applications,--or~~
48 ~~inconsistent--with--information--received--by--the--overseer.~~
50 ~~Assistance--may--be--denied--or--terminated--if--the--applicant--is~~
52 ~~unwilling--to--supply--the--overseer--with--necessary--verification--or~~
54 ~~permission--to--make--collateral--contacts--or--if--the--administrator~~
56 ~~cannot--determine--that--eligibility--exists--after--contact--with--the~~
58 ~~applicant--or--the--applicant's--collateral--contacts.~~

46 Sec. 7. 22 MRSA §4323, sub-§3, as enacted by PL 1983, c. 577,
48 §1, is amended to read:

48 3. **Departmental assistance.** Whenever the department finds
50 that a person in immediate need of general assistance have has
52 not received that assistance as a result of a municipality's
54 failure to comply with the requirements of this chapter, the
56 department shall, within 24 hours of receiving a request to

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2 intervene and after notifying the municipality, grant this
3 assistance in accordance with regulations adopted by it. The
4 expense of that assistance granted, including a reasonable
5 proportion of the state's State's administrative cost as that can
6 be attributed to that assistance, shall be billed by the
7 department to the municipality. Should that bill remain unpaid
8 30 days after presentation to the municipality, the department
9 shall refer the bill to the Treasurer of State for payment from
10 any taxes, revenue, fines or fees due from the State to the
11 municipality.

12 A municipality may not be held responsible for reimbursing
13 the department for assistance granted under this subsection if
14 the department failed to intervene within 24 hours of receiving
15 the request to intervene or if the department failed to make a
16 good faith effort, prior to the intervention, to notify the
17 municipality of the department's intention to intervene.'
18

20 **STATEMENT OF FACT**

22 This amendment adds a sentence to section 1 of the bill to
23 clarify that the new definition of "household" does not override
24 the provisions of section 4309, subsection 3, concerning the
25 eligibility for general assistance of members of a person's
26 household.

28 The amendment modifies section 2 of the bill by specifying
29 that the first \$1,000 of any lump sum payment must be
30 disregarded, that the lump sum provisions may be applied only to
31 applicants or recipients who received prior notice of them, and
32 that people may not be denied emergency assistance or be allowed
33 to fall below federal minimum wage levels of income because of
34 the lump sum rules.

36 Section 3 of the bill is replaced by a new section that uses
37 language consistent with language in section 2 and specifies that
38 purchases of basic necessities must be disregarded when applying
39 the lump sum rules and that conversions of nonliquid assets to
40 liquid assets are not lump sums if they are used to replace the
41 assets or pay some other necessary expense.

42 The amendment adds to the bill sections 4, 5 and 6, which
43 clarify the fact-verification authority of municipal general
44 assistance overseers.

46 The amendment adds section 7, which requires the Department
47 of Human Services to respond to emergency requests for general
48 assistance within 24 hours, and to make a good faith effort to
49 notify the municipality prior to making such an intervention.
50 Section 7 further provides that, if the department does not act
51 within 24 hours or does not notify the municipality of its
52 intention to intervene, the municipality is not responsible for
53 reimbursing the State.
54