

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

Legislative Document

No. 1889

S.P. 712

In Senate, December 11, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on December 11, 1989. Referred to the Committee on Human Resources and 1,600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Clarify and Improve the General Assistance Laws.

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

2  
3 Sec. 1. 22 MRSA §4301, sub-§6, as enacted by PL 1983, c. 577,  
4 §1, is repealed and the following enacted in its place:

6 6. Household. "Household" means an individual or a group  
7 of individuals who share a dwelling unit or other basic  
8 necessities. When an applicant shares a basic necessity, such as  
9 housing, with one or more individuals, eligible applicants shall  
10 receive assistance for their pro rata share of the cost of the  
11 basic necessity according to the maximum levels of assistance or  
12 the cost of obtaining an alternative. The income of household  
13 members not legally liable for supporting the household must be  
14 considered as available to the applicant only when there is a  
15 pooling of income.

16  
17 Sec. 2. 22 MRSA §4301, sub-§7, as amended by PL 1985, c. 489,  
18 §§1 and 14, is further amended to read:

20 7. Income. "Income" means any form of income in cash or in  
21 kind received by the household, including net remuneration for  
22 services performed, any payments received as an annuity,  
23 retirement or disability benefits, veterans' pensions, workers'  
24 compensation, unemployment benefits, benefits under any state or  
25 federal categorical assistance program, supplemental security  
26 income, social security and any other payments from governmental  
27 sources, unless specifically prohibited by any law or regulation,  
28 court ordered support payments, income from pension or trust  
29 funds and household income from any other source, including  
30 relatives or unrelated household members.

32 The following items are not available within the meaning of this  
33 subsection and subsection 10:

34 A. Income property, tools of trade, governmental  
35 entitlement specifically treated as exempt assets by state  
36 or federal law;

38 B. Actual work-related expenses, whether itemized or by  
39 standard deduction, such as taxes, retirement fund  
40 contributions, union dues, transportation costs to and from  
41 work, special equipment costs and child care expenses; or

44 C. Income of children below the age of 18 years who are  
45 full-time students and who are not working full time.

46  
47 In determining need, the period of time used as a basis for the  
48 calculation shall be a 30-day period commencing on the date of  
49 the application. ~~The consideration~~ This prospective calculation  
50 shall not disqualify an applicant who has exhausted his income to  
51 purchase basic necessities, provided that his that income does  
52 not exceed the income standards established by the municipality.

2 Notwithstanding this prospective calculation, if an applicant or  
3 recipient receives a lump sum payment after an initial  
4 application, that payment must be prorated over future months.  
5 The period of proration must be determined by dividing the lump  
6 sum payment by the maximum levels of assistance applicable to  
7 that household on a monthly basis. The prorated sum for each  
8 month must be considered available to the household during the  
9 period of proration.

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

12 §-A. Lump sum payment. "Lump sum payment" means a one-time  
13 or typically nonrecurring sum of money issued to a household  
14 member during a period of eligibility. Examples of lump sum  
15 payments are, without limitation, retroactive or settlement  
16 portions of Social Security benefits, workers' compensation  
17 payments, unemployment benefits, disability income, veterans'  
18 benefits, severance pay benefits, or money received from  
19 inheritances, lottery winnings, personal injury awards, property  
20 damage claims or divorce settlements. A lump sum payment  
21 includes only the amount of money available to the applicant  
22 after payments of required deductions have been made from the  
23 gross lump sum payment.

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### STATEMENT OF FACT

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29 This bill clarifies the definition of "household" in the  
30 general assistance laws. It also makes it clear that an eligible  
31 applicant from a household that contains noneligible individuals  
32 is entitled to a pro rata share of basic necessities calculated  
33 in relation to the maximum levels of assistance established in  
34 the relevant municipal ordinance. This bill also requires that  
35 income in the form of lump sum payments be prorated across a  
36 period of time during which the income will be treated as  
available to the individual.