

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2239

H.P. 1617

House of Representatives, January 26, 1990

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

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

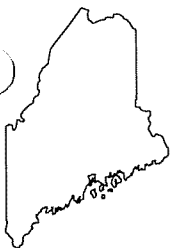
Presented by Representative CLARK of Brunswick.

Cosponsored by Representative BURKE of Vassalboro and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Provide Greater Compliance with General Assistance Laws.



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

2 **Sec. 1. 22 MRSA §4304, sub-§1**, as enacted by PL 1983, c. 577,
4 §1, is amended to read:

6 **1. Local office.** There shall must be in each municipality a
8 general assistance office or designated place where any person
may apply for general assistance at regular, reasonable times
10 designated by the municipal officers. Notice shall must be
12 posted of these times, ~~as--well--as~~ the name of the overseer
available to take applications in an emergency at all other times
and the department's toll-free telephone number for reporting
alleged violations in accordance with section 4321.

14 **Sec. 2. 22 MRSA §4305, sub-§2**, as enacted by PL 1983, c. 577,
16 §1, is amended to read:

18 **2. Availability of ordinance and general assistance laws.**
Each The ordinance shall and a summary of general assistance laws
20 provided by the department must be available in the town office
and shall must otherwise be easily accessible to any member of
22 the public. Notice to that effect shall must be posted.

24 **Sec. 3. 22 MRSA §4323, sub-§1**, as amended by PL 1985, c. 489,
26 §§11 and 14, is further amended to read:

28 **1. Review.** The department shall review the administration
of general assistance in each municipality for compliance with
30 this chapter. This review shall must be made on a regular basis
and ~~may-be-made~~ in response to a complaint from any person as
32 necessary.

34 The department shall inspect the municipality's records and
discuss the administration of the program with the overseer. The
36 overseer or his a designee shall be available during the
department's review and shall cooperate in providing all
38 necessary information.

40 The department shall report the results of its review in writing
to the municipality and, when applicable, to the complainant.
42 The written notice shall must set forth the department's findings
of whether the municipality is in compliance with this chapter.

44 **Sec. 4. 22 MRSA §4323, sub-§§2 and 3**, as enacted by PL 1983, c.
46 577, §1, are amended to read:

48 **2. Violation; penalty.** If the department finds any
violation of this chapter after review, it shall notify the
50 municipality that it has 30 days in which to correct that
violation and specify what action shall must be taken in order to
52 achieve compliance. The municipality shall file a plan with the
department setting forth how it will attain compliance. The

2 department shall notify the municipality if the plan is
3 acceptable and that it will review the municipality for
4 compliance within 60 days of accepting the plan. Any
5 municipality ~~which that~~ fails to file an acceptable plan with the
6 department ~~or which~~, is in violation of this chapter at the
7 expiration of the 60-day period ~~shall-be~~ or repeats a violation
8 of any one section of this chapter, is subject to a civil penalty
9 of not less than \$500. The Department of Human Services shall
10 enforce this section in any court of competent jurisdiction or
11 shall deduct the penalty from any reimbursement due to the
12 municipality under section 4311. Every 30-day period that a
13 municipality is in violation of this chapter after review and
14 notification ~~shall-constitute~~ constitutes a separate offense. In
15 addition to the civil penalty, the department shall may withhold
16 reimbursement to any municipality ~~which that~~ is in violation of
17 this chapter until it reaches compliance.

18 **3. Departmental assistance.** Whenever the department finds
19 that a person in immediate need of general assistance have has
20 not received that assistance as a result of a municipality's
21 failure to comply with the requirements of this chapter, the
22 department shall grant this assistance in accordance with
23 regulations rules adopted by it. Whenever the department finds
24 that the municipality's failure to comply constitutes a repeated
25 violation of any one section of this chapter, the department
26 shall grant to the complainant liquidated damages of double the
27 assistance wrongfully withheld by the municipality. The expense
28 of ~~that~~ the assistance and damages granted, including a
29 reasonable proportion of the state's State's administrative cost
30 as can be attributed to that assistance, shall must be billed-by
31 ~~the--department~~ deducted from any reimbursement due to the
32 municipality under section 4311. ~~Should-that-bill-remain-unpaid~~
33 ~~30--days--after--presentation~~ If reimbursement owed to the
34 municipality is insufficient to pay the total assistance and
35 damages assessed, the department shall refer the bill balance to
36 the Treasurer of State for payment from any taxes, revenue, fines
37 or fees due from the State to the municipality.

38 **Sec. 5. 22 MRSA §4323, sub-§5 is enacted to read:**

39 **5. Attorney's fees.** If the department has notified a
40 municipality of a violation of this chapter and a general
41 assistance applicant prevails in court action against a
42 municipality to enforce rectification of the violation, the
43 complainant is entitled to receive attorney's fees and costs.
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STATEMENT OF FACT

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This bill:

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1. Requires that municipalities post the toll-free number of the Department of Human Services for making complaints regarding general assistance;

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2. Provides that municipalities make available to the public a summary of general assistance laws compiled by the department;

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3. Requires the department to make a review and finding regarding every complaint;

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4. Allows the department to withhold civil penalties from departmental reimbursement owed to the municipality;

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5. Provides double the assistance wrongfully withheld to a general assistance applicant when a municipality is found to have violated the same section twice; and

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6. Adds that a complainant who must go to court to enforce compliance by a municipality after the municipality has been notified by the department of a violation is entitled to attorney's fees.

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