

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 620

H.P. 437

House of Representatives, February 13, 1991

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 FARREN of Cherryfield.

Cosponsored by Senator VOSE of Washington, Representative BAILEY of Township 27 and Representative GRAY of Sedgwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Require the State to Administer and Finance the General Assistance Program.

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

4 Sec. 1. 22 MRSA c. 1161, as amended, is repealed.

6 Sec. 2. 22 MRSA Pt. IV-A is enacted to read:

8 PART IV-A

10 NONCATEGORICAL ASSISTANCE TO PERSONS IN NEED

12 CHAPTER 1163

14 GENERAL ASSISTANCE AND EMERGENCY ASSISTANCE

16 §4351. Definitions

18 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

20 1. Basic necessities. "Basic necessities" means food, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs, telephone when it is necessary for medical reasons and any other essential service or commodity.

26 2. Eligible person. "Eligible person" means a person who is qualified to receive general assistance or emergency assistance under this chapter whether or not that person has applied for general assistance or emergency assistance.

32 3. Emergency. "Emergency" means any life-threatening situation or a situation beyond the control of the individual that, if not alleviated immediately, can reasonably be expected to pose a threat to the health or safety of a person.

38 4. Emergency assistance. "Emergency assistance" means a service or commodity provided by a municipality to an eligible person to alleviate an emergency and does not mean continuing "grant-in-aid" or "categorical" assistance.

44 5. General assistance. "General assistance" means a service or commodity provided by the department for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families and does not mean continuing "grant-in-aid" or "categorical" assistance.

48 6. Overseer. "Overseer" means an official designated by a municipality to administer an emergency assistance program.

50 §4352. Programs established

52 Beginning January 1, 1992, the department shall provide general assistance directly to eligible persons through its regional and district offices and shall reimburse municipalities

2 for emergency assistance provided to eligible persons by those
3 municipalities.

4 **§4353. Eligibility**

6 Residents of the State who lack basic necessities and who
7 have no other means of providing them are eligible for general
8 assistance. Residents of the State for whom the lack of basic
9 necessities results in an emergency and who have no other means
10 of alleviating the emergency are eligible for emergency
11 assistance. The department shall adopt rules establishing
12 eligibility standards for general assistance and emergency
13 assistance.

14 **§4354. Emergency assistance program in each municipality**

16 Each municipality shall administer an emergency assistance
17 program in accordance with rules adopted by the department. Each
18 emergency assistance program shall provide immediate benefits to
19 any eligible person who is in an emergency and shall refer the
20 emergency assistance recipient immediately to the department for
21 further assistance.

24 Each municipality shall make available emergency assistance
25 on a continuous basis for 24 hours per day. Each municipality
26 shall designate an emergency assistance office where any person
27 may apply for emergency assistance during regular business hours
28 and an emergency assistance telephone number through which any
29 person may contact the overseer for emergency assistance when the
30 office is closed. Each municipality shall post publicly the
31 location and hours of the emergency assistance office and the
32 telephone number of the overseer.

34 **§4355. Access to offices**

36 In any case when an applicant for general assistance or
37 emergency assistance is unable, due to illness, disability, lack
38 of transportation or lack of child care, to apply in person for
39 assistance, the department or the overseer shall accept an
40 application by telephone subject to a visit to the applicant's
41 home with the consent of the applicant.

42 **§4356. State oversight and reimbursement to municipalities**

44 **1. Departmental reimbursement.** The department shall
45 reimburse each municipality for 100% of emergency assistance
46 benefits paid to recipients and for administrative costs.
47 Reimbursement for administrative costs must be 10% of the
48 benefits paid by the municipality.

50 **2. Review.** The department shall review the administration
51 of emergency assistance in each municipality for compliance with
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2 this chapter. This review must be made on a regular basis and
3 may be made in response to a complaint from any person.

4 3. Violation; penalty. If the department finds any
5 violation of this chapter, the department shall notify the
6 municipality that the municipality has 30 days to correct that
7 violation and the department shall specify what action must be
8 taken in order to achieve compliance. The municipality shall
9 file a plan with the department describing how it will attain
10 compliance. The department shall notify the municipality if the
11 plan is acceptable and that it will review the municipality for
12 compliance within 60 days of accepting the plan. Any
13 municipality that fails to file an acceptable plan with the
14 department or that is in violation of this chapter at the
15 expiration of the 60-day period is subject to a civil penalty of
16 not less than \$500 payable to the State. In addition to the
17 civil penalty, the department shall withhold reimbursement to any
18 municipality that is in violation of this chapter until it
19 reaches compliance.

20 **§4357. Cooperation**

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23 The employer of an applicant or of an applicant's family
24 member and any department, bank, trust company, benefit
25 association, insurance company and safe deposit company shall
26 supply information that is requested by the department or a
27 municipality for the purposes of establishing or verifying a
28 person's eligibility for general assistance or emergency
29 assistance.

30 **§4358. Recovery of expenses**

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33 The department may recover any general assistance or
34 emergency assistance in a civil action against the recipient, any
35 person liable for the recipient's support or the recipient's
36 estate. The department may not recover general assistance or
37 emergency assistance if, as a result of the recovery, the
38 recipient is likely to become eligible for general assistance.

39 **§4359. Appeals**

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42 Any municipality or person who is aggrieved by any action of
43 the department or any municipality pursuant to this section may
44 appeal in accordance with Title 5, chapter 375.

45 **§4360. Rules**

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48 The commissioner shall adopt rules necessary to implement
49 this chapter. The rules must specify at least the following.
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