

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 621

H.P. 438

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 Representative BAILEY of Township 27, Representative LOOK of Jonesboro and Senator FOSTER of Hancock.

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STATE OF MAINE

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

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**An Act Concerning the Administration of the General Assistance  
Program for Migrant Workers.**

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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-§8-B** is enacted to read:

4           8-B. Migrant workers. "Migrant workers" means persons who  
5 relocate temporarily for the purpose of seeking seasonal  
6 agricultural employment.

7  
8           **Sec. 2. 22 MRSA §4305, sub-§3, ¶C**, as enacted by PL 1983, c.  
9 577, §1, is amended to read:

10           C. Provide that relief shall ~~be~~ is furnished or denied to  
11 all eligible applicants within 24 ~~72~~ hours of the date of  
12 submission of an application unless the applicant is not a  
13 resident of the State and it is necessary to seek further  
14 verification as provided in section 4314, subsection 3.

15  
16           **Sec. 3. 22 MRSA §4305, sub-§3-B** is enacted to read:

17           3-B. Provisions for reimbursement. Each municipality shall  
18 establish a procedure by which recipients of general assistance  
19 may reimburse all or some of the assistance received.

20  
21           **Sec. 4. 22 MRSA §4307, sub-§2**, as repealed and replaced by PL  
22 1987, c. 349, Pt. H, §15, is amended to read:

23           2. **Municipality of responsibility.** Except as provided in  
24 subsections subsections 3-A and 4, a municipality is responsible  
25 for the general assistance support of the following individuals:

26           A. A resident of the municipality. For the purposes of  
27 this section, a "resident" means a person who is physically  
28 present in a municipality with the intention of remaining in  
29 that municipality to maintain or establish a home and who  
30 has no other residence; and

31           B. Eligible persons who apply to the municipality for  
32 assistance and who are not residents of that or any other  
33 municipality. If a person is not a resident of any  
34 municipality, the municipality where that person first  
35 applies shall be responsible for support until a new  
36 residence is established.

37  
38           **Sec. 5. 22 MRSA §4307, sub-§3**, as repealed and replaced by PL  
39 1987, c. 349, Pt. H, §15, is repealed.

40  
41           **Sec. 6. 22 MRSA §4307, sub-§3-A** is enacted to read:

42           3-A. Migrant workers and dependents. A municipality is  
43 not responsible for the general assistance support,  
44 administrative or financial, of migrant workers and their  
45

dependents. The department is responsible for general assistance to these persons in accordance with section 4312.

To apply for assistance, migrant workers and their dependents must submit initial applications to a regional office of the department or to a migrant workers' center established by the department.

Sec. 7. 22 MRSA §4312, as repealed and replaced by PL 1985, c. 459, Pt. B, §1, is amended to read:

**§4312. Residents of unorganized territory; migrant workers**

Residents of the unorganized territory ~~shall be~~ and migrant workers, as defined in section 4301, are eligible for general assistance in the same manner as provided in this chapter. The commissioner shall establish standards of eligibility for residents of the unorganized territory and migrant workers and shall have the same responsibilities with regard to the ~~unorganized territory~~ these persons as apply to overseers in a municipality. The commissioner may appoint agents to administer the general assistance program within the unorganized territory and for migrant workers. All costs of providing general assistance in the unorganized territory shall ~~be~~ must be charged to the Unorganized Territory Education and Services Fund established under Title 36, chapter 115, except that costs which the State would reimburse under section 4311, if the unorganized territory were a municipality, shall ~~be~~ must be paid by the General Fund. All costs of providing general assistance to migrant workers must be paid by the General Fund.

Sec. 8. 22 MRSA §4314, sub-§1, as enacted by PL 1983, c. 577, §1, is amended to read:

1. **State departments.** Upon the request of any municipal official charged with the responsibility of administering general assistance, the Department of Human Services and any other department of the State having information which has a bearing on the eligibility of any person applying for general assistance shall release that information. The information shall ~~be~~ must be restricted to those facts necessary for the official to make a determination of eligibility for general assistance.

The Commissioner of Human Services shall pursue cooperative agreements with other states and with the Canadian government to share information pertinent to an applicant's eligibility for general assistance.

Sec. 9. 22 MRSA §4314, sub-§3, as enacted by PL 1983, c. 577, §1, is amended to read:

2           **3. Verification of employment.** The applicant has  
4 responsibility for providing documentary verification of benefits  
6 received during the period for which assistance is requested, or  
in the month immediately prior to the application for assistance  
when those wages and benefits are expected to be the same during  
the period for which assistance is requested.

8 The overseer shall give the applicant written notice that if the  
10 applicant does not provide the documentary verification within  
one week of the application, the employer will be contacted.

12 Notwithstanding any other provision of law, every employer shall,  
14 upon written request of the overseer, release information  
regarding any wages or other financial benefits paid to the  
16 applicant or a member of the applicant's household. No employer  
may discharge or otherwise adversely affect an employee because  
of any request for information pursuant to this section.

18 When applicants are residents of areas outside the State,  
20 determination of eligibility must be made within 5 working days  
22 from the date of application.

24           **Sec. 10. 22 MRSA §4318,** as amended by PL 1987, c. 67, is  
repealed.

26           **Sec. 11. 22 MRSA §4318-A** is enacted to read:

28 **§4318-A. Recovery of expenses**

30           **1. Overseers' responsibility.** A municipality, or the  
32 State, that has incurred general assistance program costs for the  
support of an eligible person may recover in a civil action the  
34 full amount expended for that support either from that recipient  
or from any person liable for that recipient's support or that  
36 recipient's executors or administrators. Overseers shall advise  
applicants of this provision and pursue recovery in a civil  
action if:

38           **A. Reimbursement is not made voluntarily as prescribed in**  
40 **section 4305; and**

42           **B. The overseers have reason to believe the recipients are**  
44 **able to repay.**

46           **2. Limitation.** A municipality or the State may not recover  
through a civil action the full amount or part of that amount  
48 expended for the support of a previously eligible person if as a  
result of the repayment of that amount that person again becomes  
eligible for general assistance.

50           **3. Migrant workers.** The department shall enter into  
52 agreements with employers of migrant workers to facilitate

2 repayment of state funds expended for providing assistance to  
4 migrant workers and their dependents pending receipt of wages.  
Written authorization for repayment must be given by the  
recipients and must be voluntary in nature.

6 4. Injured workers. A municipality may not recover from  
8 any recipient who has been injured while performing work under  
10 section 4316-A, subsection 2, any portion of any medical or  
12 rehabilitative expenses associated with that injury or any  
portion of any other general assistance benefits associated with  
that injury.

14 5. Maine Tort Claims Act. Nothing in this section may be  
16 construed as limiting or affecting in any way the right of any  
individual to file an action under the Maine Tort Claims Act,  
Title 14, chapter 741.

## 20 STATEMENT OF FACT

22 This bill extends the time period that municipalities have  
24 to respond to an application for general assistance to 72 hours  
26 for Maine residents and 5 days for residents of areas outside the  
State. More time than the currently allowed 24-hour period is  
necessary to verify adequately eligibility. Benefits will  
continue to be issued within 24 hours in emergency situations.

28 The Commissioner of Human Services is directed to pursue  
30 agreements with other states and with Canada to promote  
information sharing. Improved access to employment and income  
32 information facilitates an accurate determination of eligibility.

34 This bill also requires general assistance ordinances to  
include provisions for voluntary payback. General assistance  
36 overseers are directed to pursue recovery of expenses through  
civil action when voluntary payback is not made and there is  
38 reason to believe that the recipient is able to repay.

40 Responsibility for general assistance to migrant workers is  
placed with the Department of Human Services. The department is  
42 directed to institute repayment agreements with employers of  
migrant workers. Migrant workers who apply for assistance  
44 pending receipt of wages are asked to voluntarily authorize  
repayment from their wages.