

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1208

H.P. 842

House of Representatives, March 20, 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 CLARK of Brunswick.

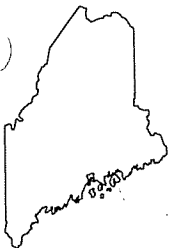
Cosponsored by Representative GOODRIDGE of Pittsfield, Senator CONLEY of Cumberland and Representative GEAN of Alfred.

STATE OF MAINE

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

An Act to Provide that General Assistance Payments be Made in
Vouchers and in Greater Compliance with General Assistance Laws.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

Whereas, federal law amended, effective August 1, 1991, an
Act to provide that local general assistance payments will be
exempt from being counted as income in the food stamp program if
they are pursuant to a state law requiring such payments to be in
the form of vouchers; and

Whereas, present general assistance law and food stamp
regulations have been interpreted to require that family's food
stamps be reduced when they receive general assistance to the
detriment of the most needy families in the State and to the
detriment of municipal general assistance programs and budgets;
and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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

Sec. 1. 22 MRSA §4304, sub-§1, as amended by PL 1989, c. 699,
is further amended to read:

1. **Local office.** There must be in each municipality a
general assistance office or designated place where any person
may apply for general assistance at regular, reasonable times
designated by the municipal officers. ~~Notice must be posted of
these times, 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.~~ The following notice,
with the appropriate additions for those designated times, name
and telephone number for emergency applications and the
department's toll-free telephone number, must be posted where
general assistance applications are taken in a manner reasonably
visible to potential applicants whether the office is open or
closed:

General Assistance

This municipality is required by law to take written
applications from any person for help with food, housing, heating
costs or other basic needs. The municipality must make a written
decision in 24 hours.

Applications must be taken at reasonable times.

2 In this municipality the times are:

4 In an emergency call:

6 If the municipality does not give you the help you ask for
8 you have the right to a fair hearing. You may also complain to
10 the Department of Human Services at
12 A copy of the municipality's regulations and state laws about
14 general assistance are available at the municipal office.

16 Sec. 2. 22 MRSA §4305, sub-§2, as enacted by PL 1983, c. 577,
18 §1, is amended to read:

20 2. Availability of ordinance and general assistance laws.
22 Each The ordinance shall and a copy of this chapter must be
24 available in the town office and shall otherwise must be easily
26 accessible to any member of the public. Notice to that effect
28 shall must be posted.

30 Sec. 3. 22 MRSA §4305, sub-§5 is enacted to read:

32 5. Assistance by vouchers or contract. Except when
34 determined impractical by the administrator for good cause shown,
36 assistance is provided in the form of a voucher payable to vendor
38 or vendors or through direct municipal contract with a provider
40 of goods or services. Municipalities may not restrict
42 unreasonably the vendors from whom recipients may receive
44 necessities.

46 Sec. 4. 22 MRSA §4311, sub-§1, as enacted by PL 1983, c. 577,
48 §1, is amended to read:

50 1. Departmental reimbursement. When a municipality incurs
net general assistance costs in any fiscal year in excess of
.0003 of that municipality's 1981 state valuation as determined
by the State Tax Assessor in the statement filed by ~~him~~ the State
Tax Assessor as provided in Title 36, section 381, the Department
of Human Services shall reimburse the municipality for 90% of the
amount in excess of these expenditures when the department finds
that the municipality has been in substantial compliance with all
requirements of this chapter. The department may not withhold
reimbursement except in the amount of a penalty applied in
accordance with section 4323. If a municipality elects to
determine need without consideration of funds distributed from
any ~~municipally-centred~~ municipality-controlled trust fund
which must otherwise be considered for purposes of this chapter,
the department shall reimburse the municipality for 66 2/3% of
the amount in excess of such expenditures when the department
finds that the municipality has otherwise been in compliance with
all requirements of this chapter.

2 **Sec. 5. 22 MRSA §4311, sub-§1-B**, as enacted by PL 1987, c.
833, is amended to read:

4 **1-B. Reimbursement for administrative expenses.** The
6 department shall reimburse each municipality for the
8 administrative costs of its general assistance program if the
10 department finds that the municipality was in substantial
12 compliance with all requirements of this chapter during the
14 fiscal year for which reimbursement is sought. The amount of
16 reimbursement to each municipality shall must be an amount equal
18 to:

20 A. Fifty percent of all general assistance granted to that
22 municipality below the .0003% of all state valuation amount;
24 or

26 B. Reasonable administrative costs of the municipality's
28 general assistance program, defined as 10% of net general
30 assistance cost.

32 Each municipality shall may elect to be reimbursed under
34 paragraph A or B at the beginning of the fiscal year for which
36 reimbursement is sought.

38 Notwithstanding any other provision of law, this subsection shall
40 take takes effect on July 1, 1989.

42 **Sec. 6. 22 MRSA §4323, sub-§2**, as enacted by PL 1983, c. 577,
44 §1, is amended to read:

46 **2. Violation; penalty.** If the department finds any
48 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
achieve compliance. The municipality shall file a plan with the
department setting forth how it will attain compliance. The
department shall notify the municipality if the plan is
acceptable and that it will review the municipality for
compliance within 60 days of accepting the plan. Any
municipality ~~which fails to file an acceptable plan with the~~
~~department or which~~ is in violation of this chapter at the
expiration of the 60-day period shall be or repeats a violation
of any one section of this chapter, is subject to a civil penalty
of not less than \$500 for the 2nd violation, and up to \$1,000 for
the 3rd and subsequent offenses. The Department of Human
Services shall ~~enforce this section in any court of competent~~
~~jurisdiction~~ deduct the penalty from any reimbursement due to the
municipality under section 4311. Every 30-day period that a
municipality is in violation of this chapter after review and
notification shall ~~constitute~~ constitutes a separate offense. In
addition to the civil penalty, the department shall may withhold

2 reimbursement to any municipality which that is in violation of
this chapter until it reaches compliance.

4 **Sec. 7. Effective date.** Section 3 of this Act takes effect
August 1, 1991.

6 **Emergency clause.** In view of the emergency cited in the
8 preamble, this Act takes effect when approved.

10

STATEMENT OF FACT

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14 This bill provides that municipal general assistance
payments must generally be made by vouchers to providers of goods
and services rather than by a cash payment to a recipient.

16

18 The bill further provides that the Department of Human
Services may not withhold reimbursement if a municipality is in
substantial compliance or unless a municipality has received a
20 written notice of violation of a section of the law and has
subsequently violated the same section of the law. The bill also
22 provides that municipalities post a brief notice that gives
notice to applicants of their right to file an application, the
24 right to receive a written decision within 24 hours, the right to
a fair hearing, as well as the currently required notice of the
26 times applications will be taken, the name and number to contact
in emergencies and the department's toll-free number.

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