

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1952

H.P. 1352

House of Representatives, March 18, 1999

**An Act to Simplify the Process of Determining the Eligibility of
Homeless Persons for General Assistance.**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KANE of Saco.
Cosponsored by Representatives: GAGNON of Waterville, O'NEIL of Saco, QUINT of
Portland, SULLIVAN of Biddeford, TWOMEY of Biddeford.

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

2
3 **Sec. 1. 22 MRSA §4307, sub-§1**, as repealed and replaced by PL
4 1987, c. 349, Pt. H, §15, is amended to read:

6 **1. General assistance required.** Municipalities shall
7 provide general assistance to all eligible persons at the expense
8 of that municipality, except as provided in this section and
9 section 4311.

10 A municipality shall ~~may~~ not move or transport a person into
11 another municipality to avoid responsibility for general
12 assistance support for that person. Any municipality which ~~that~~
13 illegally moves or transports a person, or illegally denies
14 assistance to a person which ~~that~~ results in ~~his~~ that person's
15 relocation, in addition to the other penalties provided in this
16 chapter, shall reimburse twice the amount of assistance to the
17 municipality which ~~that~~ provided the assistance to that person.
18 That reimbursement shall ~~shall~~ must be made in accordance with
19 subsection 5.

22 **Sec. 2. 22 MRSA §4307, sub-§4, ¶B**, as enacted by PL 1987, c.
23 349, Pt. H, §15, is amended to read:

24 B. If an applicant is in a ~~group--home--shelter,~~
25 rehabilitation center, nursing home, hospital or other
26 institution at the time of application and has either been
27 in that institution for 6 months or less, or had a residence
28 immediately prior to entering the institution which ~~he~~ that
29 the applicant had maintained and to which he ~~the applicant~~
30 intends to return, the municipality of responsibility shall
31 be ~~is~~ the municipality where the applicant was a resident
32 immediately prior to entering the institution. This
33 paragraph applies to institutions that do not, as a primary
34 function, provide shelter or services to homeless persons.
35 ~~For the purpose of this paragraph, a hotel, motel or similar~~
36 ~~place of temporary lodging is considered an institution when~~
37 ~~a municipality--~~

40 ~~(1)-- Grants financial assistance for a person to move~~
41 ~~to or stay in temporary lodging,--~~

42 ~~(2)-- Makes arrangements for a person to stay in~~
43 ~~temporary lodging,--~~

44 ~~(3)-- Advises or encourages a person to stay in~~
45 ~~temporary lodging, or--~~

46 ~~(4)-- Illegally denies housing assistance and, as a~~
47 ~~result of that denial, the person stays in temporary~~
48 ~~lodging,--~~

2 **Sec. 3. 22 MRSA §4307, sub-§4, ¶C** is enacted to read:

4 C. If an applicant is in a group home, shelter or other
6 institution that has a primary function of providing shelter
8 or providing shelter and services to homeless persons, the
10 municipality responsible for administering the applicant's
12 assistance is the municipality where the institution is
14 located. In accordance with section 4311, the department
16 shall reimburse that municipality for 100% of the general
18 assistance issued to the institution on behalf of the
20 eligible recipient for the length of the recipient's stay in
22 the institution. The department's responsibility to
 reimburse the municipality at the rate of 100% is limited to
 the first 45 consecutive days of the recipient's stay in the
 institution. For the purposes of this paragraph, a hotel,
 motel or similar place of temporary lodging is considered an
 institution when a municipality grants financial assistance
 for an eligible applicant to move to or stay in temporary
 lodging when the applicant is making a good faith effort to
 secure permanent housing and the administrator can attest
 that there is no affordable permanent housing immediately
 available to the applicant.

24 **Sec. 4. 22 MRSA §4311, sub-§1**, as amended by PL 1993, c. 410,
26 Pt. AAA, §7, is further amended to read:

28 1. **Departmental reimbursement.** When a municipality incurs
30 net general assistance costs in any fiscal year in excess of
32 .0003 of that municipality's most recent state valuation relative
34 to the state fiscal year for which reimbursement is being issued,
36 as determined by the State Tax Assessor in the statement filed as
38 provided in Title 36, section 381, less any net general
40 assistance costs with respect to which the municipality is
42 entitled to 100% reimbursement, the Department of Human Services
44 shall reimburse the municipality for 90% of the amount in excess
46 of these expenditures when the department finds that the
 municipality has been in compliance with all requirements of this
 chapter. If a municipality elects to determine need without
 consideration of funds distributed from any
 municipally-controlled trust fund that 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.

48 **Sec. 5. 22 MRSA §4311, sub-§1-A**, as amended by PL 1995, c.
50 696, Pt. A, §39, is further amended to read:

52 1-A. **Municipalities reimbursed.** When a municipality pays
 for expenses to an institution providing shelter or shelter and
 services to homeless persons pursuant to section 4307, subsection

2 4. paragraph C, the department shall reimburse the municipality
4 for 100% of those payments as limited by that paragraph. When a
6 municipality pays for expenses approved pursuant to section 4313
8 for hospital inpatient or outpatient care at any hospital on
10 behalf of any person who is otherwise eligible and who would have
12 been entitled to receive payments for hospital care if that care
14 had been rendered prior to May 1, 1984, for services under the
16 Catastrophic Illness Program, section 3185, the department shall
18 reimburse the municipality for 100% of those payments.

12 **Sec. 6. 22 MRSA §4311, sub-§1-B,** as amended by PL 1991, c. 9,
14 Pt. U, §8, is further amended to read:

14 **1-B. Reimbursement for administrative expenses.** The
16 department shall reimburse each municipality for the costs of a
18 portion of the direct costs of paying benefits through its
20 general assistance program if the department finds that the
22 municipality was in compliance with all requirements of this
chapter during the fiscal year for which reimbursement is
sought. The amount of reimbursement to each municipality must be
an amount equal to:

24 A. Fifty percent of all general assistance granted by that
26 municipality below the .0003% of all state valuation amount
less any net general assistance costs with respect to which
the municipality is entitled to 100% reimbursement; or

28 B. Ten percent of all general assistance granted less any
30 net general assistance costs with respect to which the
municipality is entitled to 100% reimbursement.

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

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

40 SUMMARY

42 Under current law, when a person in a homeless shelter
44 applies for general assistance, there is a certain level of
46 fact-finding that has to occur to determine which municipality is
48 administratively and financially responsible for that person's
50 general assistance. This bill makes the municipality where the
52 shelter is located the municipality of administrative
responsibility and requires the Department of Human Services to
reimburse that municipality for 100% of the general assistance
issued to the local homeless shelter. The department's
responsibility to provide 100% reimbursement is limited to the
recipient's first 45 consecutive days in the institution. The

2 bill also clarifies that hotels, motels or rooming houses would
be considered to be homeless shelters when the municipality
4 places applicants in transient housing facilities because no
permanent housing for the applicant is available. Finally, this
6 bill clarifies that any general assistance issued by a
municipality that is reimbursed 100% by the department will not
8 be counted as net general assistance for the purpose of
calculating the level of non-100% reimbursement that is provided
the municipality by the department.