

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1370

H.P. 1009

House of Representatives, March 31, 2011

### An Act To Amend the Laws Governing General Assistance Programs

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CUSHING of Hampden.  
Cosponsored by Senator MASON of Androscoggin and  
Representatives: CURTIS of Madison, HARVELL of Farmington, PARKER of Veazie,  
SANDERSON of Chelsea, STRANG BURGESS of Cumberland.

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

2 **Sec. 1. 22 MRSA §4301, sub-§6**, as amended by PL 1991, c. 622, Pt. M, §20, is  
3 further amended to read:

4 **6. Household.** "Household" means an individual or a group of individuals who  
5 share a dwelling unit. When an applicant shares a dwelling unit with one or more  
6 individuals, even when a landlord-tenant relationship may exist between individuals  
7 residing in the dwelling unit, eligible applicants may receive assistance for no more than  
8 their pro rata share of the actual costs of the shared basic needs of that household  
9 according to the maximum levels of assistance established in the municipal ordinance.  
10 The pro rata share is calculated by dividing the maximum level of assistance available to  
11 the entire household by the total number of household members. The income of  
12 household members not legally liable for supporting the household is considered  
13 available to the applicant only when there is a pooling of income.

14 **Sec. 2. 22 MRSA §4301, sub-§7**, as amended by PL 2003, c. 510, Pt. C, §6, is  
15 further amended to read:

16 **7. Income.** "Income" means any form of income in cash or in kind received by the  
17 household, including net remuneration for services performed, cash received on either  
18 secured or unsecured credit, any payments received as an annuity, retirement or disability  
19 benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits  
20 under any state or federal categorical assistance program, supplemental security income,  
21 social security and any other payments from governmental sources, unless specifically  
22 prohibited by any law or regulation, court ordered support payments, income from  
23 pension or trust funds and household income from any other source, including relatives or  
24 unrelated household members.

25 The following items are not available within the meaning of this subsection and  
26 subsection 10:

- 27 A. Real or personal income-producing property, tools of trade, governmental  
28 entitlement specifically treated as exempt assets by state or federal law;
- 29 B. Actual work-related expenses, whether itemized or by standard deduction, such  
30 as taxes, retirement fund contributions, union dues, transportation costs to and from  
31 work, special equipment costs and child care expenses; or
- 32 C. Earned income of children below the age of 18 years who are full-time students  
33 and who are not working full time.

34 In determining need, the period of time used as a basis for the calculation is the 30-day  
35 period commencing on the date of the application. This prospective calculation does not  
36 disqualify an applicant who has exhausted income to purchase basic necessities if that  
37 income does not exceed the income standards established by the municipality.  
38 Notwithstanding this prospective calculation, if any applicant or recipient receives a lump  
39 sum payment prior or subsequent to applying for assistance, that payment must be  
40 prorated over future months. The period of proration is determined by disregarding any  
41 portion of the lump sum payment that the applicant or recipient has spent to purchase

1 basic necessities, including but not limited to: all basic necessities provided by general  
2 assistance; reasonable payment of funeral or burial expenses for a family member;  
3 reasonable travel costs related to the illness or death of a family member; repair or  
4 replacement of essentials lost due to fire, flood or other natural disaster; repair or  
5 purchase of a motor vehicle essential for employment, education, training or other day-to-  
6 day living necessities; repayments of loans or credit, the proceeds of which can be  
7 verified as having been spent on basic necessities; and payment of bills earmarked for the  
8 purpose for which the lump sum is paid. All income received by the household between  
9 the receipt of the lump sum payment and the application for assistance is added to the  
10 remainder of the lump sum. The period of proration is then determined by dividing the  
11 remainder of the lump sum payment by the ~~greater of the~~ verified actual monthly amounts  
12 for all of the household's basic necessities ~~or 150% of the applicable federal poverty~~  
13 ~~guidelines~~. That dividend represents the period of proration determined by the  
14 administrator to commence on the date of receipt of the lump sum payment. The prorated  
15 sum for each month must be considered available to the household for 12 months from  
16 the date of application or during the period of proration, whichever is less.

17 **Sec. 3. 22 MRSA §4315, 3rd ¶**, as amended by PL 1993, c. 410, Pt. AAA, §9, is  
18 further amended to read:

19 If the fair hearing officer finds that a recipient made a false representation to the  
20 overseer in violation of this section, that recipient is required to reimburse the  
21 municipality for any assistance rendered for which that recipient was ineligible and is  
22 ineligible from receiving further assistance for a period of ~~120~~ 180 days.

23 **Sec. 4. 22 MRSA §4315, first ¶**, as amended by PL 1993, c. 410, Pt. AAA, §9, is  
24 further amended to read:

25 Whoever knowingly and willfully makes any false representation of a material fact to  
26 the overseer of any municipality or to the department or its agents for the purpose of  
27 causing that or any other person to be granted assistance by the municipality or by the  
28 State is ineligible for assistance for a period of ~~120~~ 180 days and is guilty of a Class E  
29 crime.

30 **Sec. 5. 22 MRSA §4316-A, sub-§1**, as amended by PL 1993, c. 410, Pt. AAA,  
31 §10, is further amended to read:

32 **1. Ineligibility for assistance.** An applicant is ineligible for assistance for ~~120~~ 180  
33 days in all municipalities in the State when any municipality establishes that the  
34 applicant, without just cause:

- 35 A. Refuses to search for employment when that search is reasonable and  
36 appropriate;
- 37 B. Refuses to register for work;
- 38 C. Refuses to accept a suitable job offer under this section;
- 39 D. Refuses to participate in a training, educational or rehabilitation program that  
40 would assist the applicant in securing employment;

1 F. Refuses to perform or willfully fails to perform a job assigned under subsection  
2 2; or

3 G. Willfully performs a job assigned under subsection 2 below the average  
4 standards of that job.

5 If a municipality finds that an applicant has violated a work-related rule without just  
6 cause, under this subsection or subsection 1-A, it is the responsibility of that applicant to  
7 establish the presence of just cause.

8 **Sec. 6. 22 MRSA §4316-A, sub-§1-A**, as enacted by PL 1993, c. 410, Pt. AAA,  
9 §10, is amended to read:

10 **1-A. Period of ineligibility.** An applicant, whether an initial or repeat applicant,  
11 who quits work or is discharged from employment due to misconduct as defined in Title  
12 26, section 1043, subsection 23, is ineligible to receive assistance for ~~420~~ 180 days after  
13 the applicant's separation from employment.

14 **Sec. 7. 22 MRSA §4316-A, sub-§4**, as amended by PL 1993, c. 410, Pt. AAA,  
15 §10, is further amended to read:

16 **4. Eligibility regained.** A person who has been disqualified by any municipality for  
17 not complying with any work requirement of this section may regain eligibility during the  
18 ~~420-day~~ 180-day period by becoming employed or otherwise complying with the work  
19 requirements of this section. An applicant who is disqualified due to failure to comply  
20 with the municipal work program may be given only one opportunity to regain eligibility  
21 during the ~~420-day~~ 180-day disqualification period, except that if an applicant who  
22 regains eligibility is again disqualified for failing to comply with the municipal work  
23 program within the initial period of disqualification, the applicant is ineligible for  
24 assistance for ~~420~~ 180 days and does not have the opportunity to requalify during the  
25 ~~420-day~~ 180-day period.

26 **Sec. 8. 22 MRSA §4317, 4th ¶**, as amended by PL 1993, c. 410, Pt. AAA, §11, is  
27 further amended to read:

28 An applicant who forfeits receipt of or causes reduction in benefits from another  
29 public assistance program or private assistance program, including but not limited to  
30 unemployment insurance benefits, because of fraud, misrepresentation or a knowing or  
31 intentional violation of program rules or a refusal to comply with program rules without  
32 just cause is not eligible to receive general assistance to replace the forfeited assistance  
33 for the duration of the forfeiture.

34 **Sec. 9. 36 MRSA §6216, 2nd ¶**, as amended by PL 1989, c. 614, is further  
35 amended to read:

36 Benefits received under this chapter may ~~not~~ be included as income for purposes of  
37 any state or municipally administered public benefit program ~~but may be considered~~ and  
38 as income for purposes of determining eligibility for abatement under section 841,  
39 subsection 2.

1           **Sec. 10. Municipal access to the automated client eligibility system.** The  
2 Department of Health and Human Services shall develop an implementation plan  
3 providing municipalities with electronic access to the automated client eligibility system  
4 for purposes of verifying general assistance program applicant eligibility. The plan must  
5 be submitted to the Joint Standing Committee on Health and Human Services no later  
6 than January 15, 2012. The plan must include: an implementation timetable that provides  
7 electronic access to municipalities by December 31, 2012; the standards that must be  
8 adhered to by municipalities choosing to access the system; and a standard confidentiality  
9 agreement that must be signed by the municipal officers before access is provided.

10

## SUMMARY

11           This bill seeks to make several changes to the laws governing the administration of  
12 the general assistance programs. The bill clarifies the calculation for determining the pro  
13 rata share of the assistance to be provided to eligible household members and requires  
14 that the lump sum income proration calculation be based only on actual household need,  
15 and not on the greater of the need or 150% of federal poverty level, as is currently  
16 required. It increases general assistance program ineligibility from 120 days to 180 days  
17 for fraud or a work requirement violation. It amends the provisions governing the use of  
18 potential resources to include private assistance programs, such as unemployment  
19 insurance benefits, and allows refunds provided under the Maine Residents Property Tax  
20 Program, also known as the Circuitbreaker Program, to count as income in the calculation  
21 of general assistance program eligibility. The bill also directs the Department of Health  
22 and Human Services to develop a plan to provide municipalities with electronic access to  
23 the State's automated client eligibility system for determining general assistance program  
24 applicant eligibility. Electronic access must be provided to municipalities no later than  
25 December 31, 2012.