

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 632

S.P. 225

In Senate, March 3, 2015

An Act To Require the State To Administer and Fund the General Assistance Program

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
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: KATZ of Kennebec.

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

2 **Sec. 1. 14 MRSA §6002, sub-§1**, as repealed and replaced by PL 2009, c. 171,
3 §2, is amended to read:

4 **1. Causes for 7-day notice of termination of tenancy.** Notwithstanding any other
5 provisions of this chapter, the tenancy may be terminated upon 7 days' written notice in
6 the event that the landlord can show, by affirmative proof, that:

7 A. The tenant, the tenant's family or an invitee of the tenant has caused substantial
8 damage to the demised premises that the tenant has not repaired or caused to be
9 repaired before the giving of the notice provided in this subsection;

10 B. The tenant, the tenant's family or an invitee of the tenant caused or permitted a
11 nuisance within the premises, has caused or permitted an invitee to cause the
12 dwelling unit to become unfit for human habitation or has violated or permitted a
13 violation of the law regarding the tenancy; or

14 C. The tenant is 7 days or more in arrears in the payment of rent.

15 If a tenant who is 7 days or more in arrears in the payment of rent pays the full amount of
16 rent due before the expiration of the 7-day notice in writing, that notice is void.
17 Thereafter, in all residential tenancies at will, if the tenant pays all rental arrears, all rent
18 due as of the date of payment and any filing fees and service of process fees actually
19 expended by the landlord before the issuance of the writ of possession as provided by
20 section 6005, then the tenancy must be reinstated and no writ of possession may issue.

21 In the event that the landlord or the landlord's agent has made at least 3 good faith efforts
22 to personally serve the tenant in-hand, that service may be accomplished by both mailing
23 the notice by first class mail to the tenant's last known address and by leaving the notice
24 at the tenant's last and usual place of abode.

25 Payment or written assurance of payment through the general assistance program, as
26 authorized by the State or a municipality pursuant to Title 22, chapter 1161, has the same
27 effect as payment in cash.

28 **Sec. 2. 14 MRSA §6026, sub-§9**, as enacted by PL 1983, c. 764, §2, is amended
29 to read:

30 **9. Lack of heat.** If the landlord fails to comply with the provisions of ~~Title 14,~~
31 section 6021, subsection 6, then the purchase of heating fuel by the tenant ~~shall be~~ is
32 deemed to be a "cost of compliance" within the meaning of subsection 2. ~~For tenants on~~
33 ~~general assistance, municipalities shall have the rights of tenants under this subsection.~~

34 **Sec. 3. 17-A MRSA §905-C, sub-§2, ¶A**, as enacted by PL 2011, c. 687, §1, is
35 amended to read:

36 A. The ~~municipal~~ general assistance program under Title 22, chapter 1161;

37 **Sec. 4. 18-A MRSA §5-604**, as enacted by PL 1979, c. 540, §1, is amended to
38 read:

1 **§5-604. Nomination of public guardian or conservator**

2 **(a).** Any person who is eligible to petition for appointment of a guardian under
3 section 5-303, subsection (a), including the commissioner of any state department, the
4 head of any state institution, ~~the overseers of the poor,~~ and the welfare director or health
5 officer of any municipality may nominate the public guardian.

6 **(b).** Any person who is eligible to petition for appointment of a conservator under
7 section 5-404, subsection (a), including the commissioner of any state department, the
8 head of any state institution, ~~the overseer of the poor,~~ and the welfare director or health
9 officer of any municipality may nominate the public conservator.

10 **(c).** Except as supplemented by section 5-605, the proceedings for determining the
11 appointment of a public guardian or conservator ~~shall be~~ are governed by the provisions
12 of this Article for the appointment of guardians and conservators generally.

13 **Sec. 5. 22 MRSA §3811, sub-§3,** as amended by PL 2011, c. 687, §11, is further
14 amended to read:

15 **3. Overpayment.** "Overpayment" means program benefits that exceed the amount
16 of program benefits for which an individual or assistance unit is eligible when the
17 department or a court has determined that the benefits were provided as a result of an
18 intentional program violation, an unintentional error by the individual or household or an
19 error by the department. "Overpayment" does not include an overpayment for medical
20 services by the department pursuant to chapter 855 or ~~municipal~~ an overpayment for
21 general assistance pursuant to chapter 1161; if the overpayment occurred due to an
22 unintentional error by the individual or household or an error by the department or ~~by the~~
23 ~~municipality in the case of municipal general assistance under chapter 1161~~ an entity
24 delegated by the department to administer the general assistance program.

25 **Sec. 6. 22 MRSA §4301,** as amended by PL 2013, c. 551, §1, is further amended
26 to read:

27 **§4301. Definitions**

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

30 **1. Basic necessities.** "Basic necessities" means food, clothing, shelter, fuel,
31 electricity, nonelective medical services as recommended by a physician, nonprescription
32 drugs, telephone where it is necessary for medical reasons and any other commodity or
33 service determined essential by the ~~overseer~~ administrator in accordance with ~~the~~
34 ~~municipality's ordinance~~ department rules and this chapter. "Basic necessities" ~~do~~ does
35 not include security deposits for rental property, except for emergency purposes. For the
36 purposes of this subsection, "emergency purposes" means any situation in which no other
37 permanent lodging is available unless a security deposit is paid.

1 **1-A. Direct costs.** "Direct costs" means the total value of general assistance benefits
2 paid out by a municipality that is to an eligible person in compliance with this chapter and
3 ~~the municipality's general assistance ordinance~~ department rule.

4 **1-B. Administrator.** "Administrator" means the department or an entity delegated
5 by the department to administer the general assistance program pursuant to section 4302.

6 **2. Dwelling unit.** "Dwelling unit" means a building or part thereof used for separate
7 living quarters for one or more persons living as a single housekeeping unit.

8 **3. Eligible person.** "Eligible person" means a person who is qualified to receive
9 general assistance ~~from a municipality~~ according to standards of eligibility determined by
10 ~~the municipal officers~~ an administrator whether or not that person has applied for general
11 assistance. "Eligible person" does not include a person who is a fugitive from justice as
12 defined in Title 15, section 201, subsection 4.

13 **4. Emergency.** "Emergency" means any life threatening situation or a situation
14 beyond the control of the individual ~~which~~ that, if not alleviated immediately, could
15 reasonably be expected to pose a threat to the health or safety of a person.

16 **5. General assistance program.** "General assistance program" means a service
17 administered by ~~a municipality~~ an administrator for the immediate aid of persons who are
18 unable to provide the basic necessities essential to maintain themselves or their families.
19 A general assistance program provides a specific amount and type of aid for defined
20 needs during a limited period of time and is not intended to be a continuing "grant-in-aid"
21 or "categorical" welfare program. This definition ~~shall~~ does not in any way lessen the
22 responsibility of ~~each municipality~~ an administrator to provide general assistance to a
23 person each time that the person has need and is found to be otherwise eligible to receive
24 general assistance.

25 **6. Household.** "Household" means an individual or a group of individuals who
26 share a dwelling unit. When an applicant shares a dwelling unit with one or more
27 individuals, even when a landlord-tenant relationship may exist between individuals
28 residing in the dwelling unit, eligible applicants may receive assistance for no more than
29 their pro rata share of the actual costs of the shared basic needs of that household
30 according to the maximum levels of assistance established ~~in the municipal ordinance~~ by
31 the department. The pro rata share is calculated by dividing the maximum level of
32 assistance available to the entire household by the total number of household members.
33 The income of household members not legally liable for supporting the household is
34 considered available to the applicant only when there is a pooling of income.

35 **7. Income.** "Income" means any form of income in cash or in kind received by the
36 household, including net remuneration for services performed, cash received on either
37 secured or unsecured credit, any payments received as an annuity, retirement or disability
38 benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits
39 under any state or federal categorical assistance program, supplemental security income,
40 social security and any other payments from governmental sources, unless specifically
41 prohibited by any law or regulation, court ordered support payments, income from
42 pension or trust funds, household income from any other source, including relatives or

1 unrelated household members and any benefit received pursuant to Title 36, chapter 907,
2 Title 36, section 5219-II and Title 36, section 5219-KK, unless used for basic necessities
3 as defined in section 4301, subsection 1.

4 The following items are not available within the meaning of this subsection and
5 subsection 10:

6 A. Real or personal income-producing property, tools of trade, governmental
7 entitlement specifically treated as exempt assets by state or federal law;

8 B. Actual work-related expenses, whether itemized or by standard deduction, such as
9 taxes, retirement fund contributions, union dues, transportation costs to and from
10 work, special equipment costs and child care expenses; or

11 C. Earned income of children below the age of 18 years who are full-time students
12 and who are not working full time.

13 In determining need, the period of time used as a basis for the calculation is the 30-day
14 period commencing on the date of the application. This prospective calculation does not
15 disqualify an applicant who has exhausted income to purchase basic necessities if that
16 income does not exceed the income standards established by the ~~municipality~~ department.
17 Notwithstanding this prospective calculation, if any applicant or recipient receives a lump
18 sum payment prior or subsequent to applying for assistance, that payment must be
19 prorated over future months. The period of proration is determined by disregarding any
20 portion of the lump sum payment that the applicant or recipient has spent to purchase
21 basic necessities, including but not limited to: all basic necessities provided by general
22 assistance; reasonable payment of funeral or burial expenses for a family member;
23 reasonable travel costs related to the illness or death of a family member; repair or
24 replacement of essentials lost due to fire, flood or other natural disaster; repair or
25 purchase of a motor vehicle essential for employment, education, training or other day-to-
26 day living necessities; repayments of loans or credit, the proceeds of which can be
27 verified as having been spent on basic necessities; and payment of bills earmarked for the
28 purpose for which the lump sum is paid. All income received by the household between
29 the receipt of the lump sum payment and the application for assistance is added to the
30 remainder of the lump sum. The period of proration is then determined by dividing the
31 remainder of the lump sum payment by the verified actual monthly amounts for all of the
32 household's basic necessities. That dividend represents the period of proration
33 determined by the administrator to commence on the date of receipt of the lump sum
34 payment. The prorated sum for each month must be considered available to the
35 household for 12 months from the date of application or during the period of proration,
36 whichever is less.

37 **8. Just cause.** "Just cause" means a valid, verifiable reason that hinders an
38 individual in complying with one or more conditions of eligibility.

39 **8-A. Lump sum payment.** "Lump sum payment" means a one-time or typically
40 nonrecurring sum of money issued to an applicant or recipient. "Lump sum payment"
41 includes, but is not limited to, retroactive or settlement portions of social security
42 benefits, workers' compensation payments, unemployment benefits, disability income,
43 veterans' benefits, severance pay benefits, or money received from inheritances, lottery
44 winnings, personal injury awards, property damage claims or divorce settlements. A

1 lump sum payment includes only the amount of money available to the applicant after
2 payment of required deductions has been made from the gross lump sum payment. A
3 lump sum payment does not include conversion of a nonliquid resource to a liquid
4 resource if the liquid resource has been used or is intended to be used to replace the
5 converted resource or for other necessary expenses.

6 ~~**9. Municipality of responsibility.** "Municipality of responsibility" means the~~
7 ~~municipality which is liable for the support of any eligible person at the time of~~
8 ~~application.~~

9 **10. Need.** "Need" means the condition whereby a person's income, money, property,
10 credit, assets or other resources available to provide basic necessities for the individual
11 and the individual's family are less than the maximum levels of assistance established by
12 the ~~municipality~~ department.

13 **11. Net general assistance costs.** "Net general assistance costs" means those direct
14 costs incurred by ~~a municipality~~ an administrator in providing assistance to eligible
15 persons according to standards established by the ~~municipal officers~~ department and does
16 not include the administrative expenses of the general assistance program.

17 ~~**12. Overseer.** "Overseer" means an official designated by a municipality to~~
18 ~~administer a general assistance program. The municipal officers shall serve as a board of~~
19 ~~overseers if no other persons are appointed or elected.~~

20 **12-A. Pooling of income.** "Pooling of income" means the financial relationship
21 among household members who are not legally liable for mutual support in which there
22 occurs any comingling of funds or sharing of income or expenses. ~~Municipalities may by~~
23 ~~ordinance establish as~~ There is a rebuttable presumption that persons sharing the same
24 dwelling unit are pooling their income. Applicants who are requesting that the
25 determination of eligibility be calculated as though one or more household members are
26 not pooling their income have the burden of rebutting the presumption of pooling income.

27 **13. Real estate.** "Real estate" means any land, buildings, homes, mobile homes and
28 any other things affixed to that land.

29 **Sec. 7. 22 MRSA §4302**, as enacted by PL 1983, c. 577, §1, is amended to read:

30 **§4302. Delegation of duties; oath; bond**

31 ~~Overseers~~ The department may authorize ~~some~~ a person ~~whom they shall designate~~ to
32 perform ~~such of~~ the duties imposed ~~upon them~~ by this chapter as ~~they may determine~~ the
33 department determines. The ~~overseers~~ department may designate more than one person to
34 perform those duties. Before entering upon the performance of those duties, the person or
35 persons so designated ~~shall be sworn and~~ shall give bond to the ~~town~~ department for the
36 faithful performance of those duties, in such sum and with such sureties as the ~~overseers~~
37 ~~order~~ department orders.

38 **Sec. 8. 22 MRSA §4303**, as enacted by PL 1983, c. 577, §1, is amended to read:

1 **§4303. Prosecution and defense of administrators**

2 For all purposes provided for in this chapter, the ~~overseers~~ department or any person
3 appointed by ~~them~~ it in writing may prosecute and defend ~~a town~~ an administrator.

4 **Sec. 9. 22 MRSA §4304**, as amended by PL 1991, c. 209, §1, is further amended
5 to read:

6 **§4304. General assistance district offices**

7 ~~**1. Local office.** There must be in each municipality a general assistance office or~~
8 ~~designated place where any person may apply for general assistance at regular,~~
9 ~~reasonable times designated by the municipal officers. Notice must be posted of these~~
10 ~~times, the name of the overseer available to take applications in an emergency at all other~~
11 ~~times, the fact that the municipality must issue a written decision on all applications~~
12 ~~within 24 hours and the department's toll free telephone number for reporting alleged~~
13 ~~violations in accordance with section 4321.~~

14 **2. District offices.** ~~In situations where in the judgment of a municipality the number~~
15 ~~of applicants does not justify the establishment of a local office or designated place, or~~
16 ~~where for other reasons a local office or designated place is not necessary, 2 or more~~
17 ~~municipalities, by a vote of their respective legislative bodies, may~~ The department shall
18 establish a ~~the~~ district office offices necessary for the administration of general assistance
19 and make agreements as to the payment of expenses and any other matters relevant to the
20 operation of the ~~office~~ offices.

21 Any district office established pursuant to this subsection ~~shall~~ must be located so as to be
22 accessible by a toll-free telephone call from any part of every municipality it is
23 designated to serve.

24 Every district general assistance ~~office~~ administrator shall be available for the taking of
25 applications at least 35 hours each week and shall make provision for designated
26 personnel to be available to take applications in an emergency 24 hours a day.

27 **3. Emergencies.** In any case when an applicant is unable, due to illness, disability,
28 lack of transportation, lack of child care or other good cause, to apply in person for
29 assistance or unable to appoint a duly authorized representative, ~~the overseer~~ an
30 administrator shall accept an application by telephone subject to verification by mail and
31 a visit to the applicant's home with the consent of the applicant. ~~Municipalities~~ An
32 administrator may arrange with emergency shelters for the homeless to presume eligible
33 for ~~municipal~~ assistance persons to whom the emergency shelter provides shelter
34 services.

35 **Sec. 10. 22 MRSA §4305**, as amended by PL 2013, c. 368, Pt. OO, §7, is
36 repealed.

37 **Sec. 11. 22 MRSA §4305-A** is enacted to read:

1 **§4305-A. Department rule required**

2 **1. Program required; rule.** A general assistance program must be operated by the
3 department and must be administered in accordance with rules adopted by the department
4 pursuant to section 4323.

5 **2. Availability of rules.** The rules adopted pursuant to section 4323 and a copy of
6 this chapter must be available in the administrator's office and be easily accessible to any
7 member of the public. Notice to that effect must be posted. A copy of this chapter must
8 be distributed by the department to each administrator.

9 **Sec. 12. 22 MRSA §4306**, as enacted by PL 1983, c. 577, §1, is amended to read:

10 **§4306. Records; confidentiality of information**

11 ~~The overseer~~ An administrator shall keep complete and accurate records pertaining to
12 general assistance, including the names of eligible persons assisted and the amounts paid
13 for their assistance. Records, papers, files and communications relating to an applicant or
14 recipient made or received by persons charged with responsibility of administering this
15 chapter are confidential and no information relating to a person who is an applicant or
16 recipient may be disclosed to the general public, unless expressly permitted by that
17 person.

18 **Sec. 13. 22 MRSA §4307**, as corrected by RR 2009, c. 2, §§58 and 59, is
19 repealed.

20 **Sec. 14. 22 MRSA §4308**, as amended by PL 2011, c. 655, Pt. R, §2, is further
21 amended to read:

22 **§4308. Applications**

23 In order to receive assistance ~~from any municipality~~, the applicant or a duly
24 authorized representative must file a written application with ~~the overseer~~ an
25 administrator, except as provided in section 4304, subsection 3.

26 **1. Initial and subsequent applications.** Except as provided in section 4316-A,
27 subsection 1-A, a person who makes an application for assistance, who previously has not
28 applied for assistance ~~in that or any other municipality~~ must have that person's eligibility
29 determined solely on the basis of need. All applications for general assistance that are not
30 initial applications are repeat applications. The eligibility of repeat applicants must be
31 determined on the basis of need and all other conditions of eligibility established by this
32 chapter and ~~municipal ordinance~~ department rule.

33 ~~**1-A. Limit on housing assistance.** Except as provided in subsections 1-B and 2,~~
34 ~~housing assistance provided pursuant to this chapter is limited to a maximum of 9 months~~
35 ~~during the period from July 1, 2012 to June 30, 2013.~~

36 ~~**1-B. Extension of housing assistance due to hardship.** An applicant is eligible for~~
37 ~~housing assistance under this chapter beyond the limit established in subsection 1-A if the~~
38 ~~applicant has a severe and persistent mental or physical condition warranting such an~~

1 ~~extension or has an application for assistance pending with the federal Social Security~~
2 ~~Administration.~~

3 **2. Emergencies.** A person who does not have sufficient resources to provide one or
4 more basic necessities in an emergency is eligible for emergency general assistance, even
5 when that applicant has been found ineligible for nonemergency general assistance,
6 except as provided in this subsection.

7 A. A person who is currently disqualified from general assistance for a violation of
8 section 4315, 4316-A or 4317 is ineligible for emergency assistance under this
9 subsection.

10 B. ~~Municipalities~~ The department may by standards adopted in ~~municipal ordinances~~
11 rule pursuant to section 4323 restrict the disbursement of emergency assistance to
12 alleviate emergency situations to the extent that those situations could not have been
13 averted by the applicant's use of income and resources for basic necessities. The
14 person requesting assistance shall provide evidence of income and resources for the
15 applicable time period.

16 ~~A municipality~~ An administrator may provide emergency assistance when the
17 ~~municipality administrator~~ determines that an emergency is imminent and that failure to
18 provide assistance may result in undue hardship and unnecessary costs.

19 **3. Initial applicant.** Notwithstanding section 4301, subsection 7, the household of
20 an initial applicant that is otherwise eligible for emergency assistance may not be denied
21 emergency assistance to meet an immediate need solely on the basis of the proration of a
22 lump sum payment. Upon subsequent applications, that household's eligibility is subject
23 to all the standards established by this chapter.

24 **Sec. 15. 22 MRSA §4309**, as amended by PL 2013, c. 368, Pt. OO, §8, is further
25 amended to read:

26 **§4309. Eligibility**

27 **1. Eligibility of applicant; duration of eligibility.** ~~The overseer~~ An administrator
28 shall determine eligibility each time a person applies or reapplies for general assistance
29 pursuant to this chapter and the ~~ordinance~~ rule adopted by the ~~municipality~~ department in
30 accordance with section ~~4305~~ 4323. The period of eligibility ~~must~~ may not exceed one
31 month. At the expiration of that period the person may reapply for assistance and the
32 person's eligibility may be redetermined.

33 **1-A. Determination of eligibility; applicant's responsibilities.** Applicants for
34 general assistance are responsible for providing to the ~~overseer~~ administrator all
35 information necessary to determine eligibility. If further information or documentation is
36 necessary to demonstrate eligibility, the applicant must have the first opportunity to
37 provide the specific information or documentation required by the ~~overseer~~ administrator.
38 When information required by the ~~overseer~~ administrator is unavailable, the ~~overseer~~
39 administrator must accept alternative available information, which is subject to
40 verification.

1 **1-B. Determination of eligibility; administrator's responsibilities.** In order to
2 determine an applicant's eligibility for general assistance, the ~~overseer~~ administrator first
3 must seek information and documentation from the applicant. Once the applicant has
4 presented the necessary information, the ~~overseer~~ administrator is responsible for
5 determining eligibility. The ~~overseer~~ administrator may seek verification necessary to
6 determine eligibility. In order to determine eligibility, the ~~overseer~~ administrator may
7 contact sources other than the applicant for verification only with the specific knowledge
8 and consent of the applicant, except that the ~~overseer~~ administrator may examine public
9 records without the applicant's knowledge and consent. Assistance may be denied or
10 terminated if the applicant is unwilling to supply the ~~overseer~~ administrator with
11 necessary information, documentation, or permission to make collateral contacts, or if the
12 ~~overseer can not~~ administrator cannot determine that eligibility exists based on
13 information supplied by the applicant or others.

14 **2. Redetermination of eligibility.** ~~The overseer~~ An administrator may redetermine a
15 person's eligibility at any time during the period that person is receiving assistance if the
16 ~~overseer~~ administrator is notified of any change in the recipient's circumstances that may
17 affect the amount of assistance to which the recipient is entitled or that may make the
18 recipient ineligible, ~~provided~~ except that once a determination of eligibility has been
19 made for a specific time period, a reduction in assistance for that time period may not be
20 made without prior written notice to the recipient with the reasons for the action and an
21 opportunity for the recipient to receive a fair hearing upon the proposed change.

22 **3. Eligibility of members of person's household.** Failure of an otherwise eligible
23 person to comply with this chapter ~~shall~~ may not affect the general assistance eligibility
24 of any member of the person's household who is not capable of working, including at
25 least:

- 26 A. A dependent minor child;
- 27 B. An elderly, ill or disabled person; and
- 28 C. A person whose presence is required in order to provide care for any child under
29 the age of 6 years or for any ill or disabled member of the household.

30 **4. Eligibility of minors who are parents.** An otherwise eligible person under the
31 age of 18 who has never married and who has a dependent child or is pregnant is eligible
32 only if that person and child reside in a dwelling maintained by a parent or other adult
33 relative as that parent's or relative's own home or in a foster home, maternity home or
34 other adult-supervised supportive living arrangement unless:

- 35 A. The person has no living parent or the whereabouts of both parents are unknown;
- 36 B. No parent will permit the person to live in the parent's home;
- 37 C. The department determines that the physical or emotional health or safety of the
38 person or dependent child would be jeopardized if that person and dependent child
39 lived with a parent;
- 40 D. The individual has lived apart from both parents for a period of at least one year
41 before the birth of any dependent child; or

1 E. The department determines, in accordance with rules adopted pursuant to this
2 section, which must be in accordance with federal regulations, that there is good
3 cause to waive this requirement.

4 For the purposes of this subsection, "parent" includes legal guardian.

5 **Sec. 16. 22 MRSA §4310**, as amended by PL 2013, c. 368, Pt. OO, §9, is further
6 amended to read:

7 **§4310. Emergency benefits prior to full verification**

8 Whenever an eligible person becomes an applicant for general assistance and states to
9 the administrator that the applicant is in an emergency situation and requires immediate
10 assistance to meet basic necessities, the ~~overseer~~ administrator shall, pending verification,
11 issue to the applicant either personally or by mail, as soon as possible but in no event later
12 than 24 hours after application, sufficient benefits to provide the basic necessities needed
13 immediately by the applicant, as long as the following conditions are met.

14 **1. Probability of eligibility for assistance after full verification.** As a result of the
15 initial interview with the applicant, the ~~overseer shall have determined~~ administrator
16 determines that the applicant will probably be eligible for assistance after full verification
17 is completed.

18 **2. Documentation.** ~~Where~~ When possible, the applicant shall submit to the ~~overseer~~
19 administrator at the time of the initial interview; adequate documentation to verify that
20 there is a need for immediate assistance.

21 **3. Information obtained.** When adequate documentation is not available at the time
22 of the initial application, the ~~overseer~~ administrator may contact at least one other person
23 for the purpose of obtaining information to confirm the applicant's statements about ~~his~~
24 the applicant's need for immediate assistance.

25 **4. Limitations.** In no case:

26 A. May the authorization of benefits under this section exceed 30 days; and

27 B. May there be further authorization of benefits to the applicant until there has been
28 full verification confirming the applicant's eligibility.

29 **Sec. 17. 22 MRSA §4311**, as amended by PL 2013, c. 368, Pt. OO, §§10 and 11,
30 is repealed.

31 **Sec. 18. 22 MRSA §4311-A** is enacted to read:

32 **§4311-A. State reimbursement to administrators; reports**

33 **1. Departmental responsibility.** The department is responsible for the direct cost
34 of the assistance provided under this chapter. The department may by standards adopted
35 in rule pursuant to section 4323 reimburse an administrator for the cost associated with
36 administering a general assistance program.

1 **2. Indian tribe reimbursement.** The department shall reimburse each Indian tribe
2 for the costs of a portion of the direct costs of paying benefits through its general
3 assistance program if the department finds that the Indian tribe was in compliance with all
4 requirements of this chapter during the fiscal year for which those benefits are sought.

5 The amount of reimbursement must be calculated for each fiscal year by adding 10% of
6 all general assistance granted up to the threshold amount to 100% of all general assistance
7 granted above the threshold amount.

8 For the purposes of this subsection, "Indian tribe" has the same meaning as in section
9 411, subsection 8-A. For purposes of this subsection, "threshold amount" means 0.0003
10 of the Indian tribe's most recent state valuation, as determined by the State Tax Assessor
11 in the statement filed as provided in Title 36, section 381, relative to the year for which
12 reimbursement is being issued.

13 **3. Submission of reports.** Administrators shall submit to the department all reports
14 as required by rule pursuant to section 4323.

15 Indian tribes must submit monthly reports on forms provided by the department.

16 **Sec. 19. 22 MRSA §4312,** as repealed and replaced by PL 1985, c. 459, Pt. B, §1,
17 is repealed.

18 **Sec. 20. 22 MRSA §4313,** as amended by PL 2007, c. 411, §1, is further amended
19 to read:

20 **§4313. Reimbursement to individuals relieving eligible persons; prior approval;**
21 **emergencies**

22 ~~Municipalities, as provided in section 4307, The department shall pay expenses~~
23 ~~necessarily incurred for providing basic necessities to eligible persons anywhere in the~~
24 ~~State by any person not liable for their support provided that the municipality of~~
25 ~~responsibility shall be notified and approve those expenses and services prior to their~~
26 ~~being made or delivered, except as provided in this section.~~

27 **1. Emergency care.** ~~In the event of an admission of an eligible person to the~~
28 ~~hospital, the hospital shall notify the overseer of the liable municipality department~~
29 ~~within 5 business days of the person's admission. In no event may hospital services to a~~
30 ~~person who meets the financial eligibility guidelines adopted pursuant to section 1716 be~~
31 ~~billed to the patient or to a municipality.~~

32 **2. Burial or cremation.** ~~In the event of the death of an eligible person, the funeral~~
33 ~~director shall notify the overseer department prior to burial or cremation or by the end of~~
34 ~~3 business days following the funeral director's receipt of the body, whichever is earlier.~~
35 ~~Notwithstanding section 4305, subsection 3, paragraph C, a A decision on any application~~
36 ~~for assistance with burial expenses need not be rendered until the overseer administrator~~
37 ~~has verified that no relative or other resource is available to pay for the direct burial or~~
38 ~~cremation costs, but the decision must be rendered within 8 days after receiving an~~
39 ~~application. The father, mother, grandfather, grandmother, children or grandchildren, by~~
40 ~~consanguinity, living within or owning real or tangible property within the State, are~~

1 responsible for the burial or cremation costs of the eligible person in proportion to their
2 respective abilities. When no legally liable relative possesses a financial capacity to pay
3 either in lump sum or on an installment basis for the direct costs of a burial or cremation,
4 the contribution of ~~a municipality~~ the department under this subsection is limited to a
5 reasonable calculation of the funeral director's direct costs, less any and all contributions
6 from any other source.

7 **Sec. 21. 22 MRSA §4314**, as amended by PL 2003, c. 452, Pt. K, §§25 and 26 and
8 affected by Pt. X, §2 and amended by c. 689, Pt. B, §§6 and 7, is further amended to read:

9 **§4314. Cooperation in administration of general assistance**

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

17 **2. Financial institutions.** A treasurer of any bank, federally or state-chartered credit
18 union, trust company, benefit association, insurance company, safe deposit company or
19 any corporation or association receiving deposits of money, except national banks, shall,
20 on request in writing signed by ~~the overseer of any municipality~~ an administrator or ~~its~~
21 the administrator's agents, ~~or~~ by the Commissioner of Health and Human Services or the
22 commissioner's agents or by the Commissioner of Defense, Veterans and Emergency
23 Management or the commissioner's agents, inform that ~~overseer~~ administrator or the
24 Department of Health and Human Services or the Department of Defense, Veterans and
25 Emergency Management, Bureau of Maine Veterans' Services of the amount deposited in
26 the corporation or association to the credit of the person named in the request; who is a
27 charge upon the ~~municipality~~ administrator or the State; or who has applied for support to
28 the ~~municipality~~ administrator or the State.

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

34 The ~~overseer~~ administrator shall give the applicant written notice that if the applicant
35 does not provide the documentary verification within one week of the application, the
36 employer will be contacted.

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

1 **4. Confidentiality.** Any person who seeks and obtains information under this
2 section is subject to the same rules of confidentiality as the person who is caretaker of the
3 information which is by law confidential.

4 **5. Refusal.** Any person who refuses to provide any information to an ~~overseer~~
5 administrator who requests it in accordance with this section shall state in writing the
6 reasons for the refusal within 3 days of receiving the request.

7 **6. Refusal; penalty.** A person who refuses upon request to provide information
8 under this section without just cause commits a civil violation for which a fine of not less
9 than \$25 and not more than \$100 may be adjudged.

10 **7. False information; penalty.** A person who intentionally or knowingly renders
11 false information under this section to an administrator commits a Class E crime.

12 **Sec. 22. 22 MRSA §4315**, as amended by PL 1993, c. 410, Pt. AAA, §9, is further
13 amended to read:

14 **§4315. False representation**

15 Whoever knowingly and willfully makes any false representation of a material fact to
16 ~~the overseer of any municipality~~ an administrator or to the department or its agents for the
17 purpose of causing that or any other person to be granted assistance by the ~~municipality~~
18 administrator or by the State is ineligible for assistance for a period of 120 days and is
19 guilty of a Class E crime.

20 A person disqualified from receiving general assistance for making a false
21 representation must be provided notice and an opportunity for an appeal as provided in
22 sections 4321 and 4322.

23 If the fair hearing officer finds that a recipient made a false representation to the
24 ~~overseer~~ administrator in violation of this section, that recipient is required to reimburse
25 the ~~municipality~~ department for any assistance rendered for which that recipient was
26 ineligible and is ineligible from receiving further assistance for a period of 120 days.

27 Any recipient whose assistance is terminated or denied under this section has the
28 right to appeal that decision pursuant to the Maine Rules of Civil Procedure, Rule 80-B.

29 ~~No~~ A recipient who has been granted assistance, in accordance with this chapter, may
30 not have that assistance terminated prior to the decision of the fair hearing officer. In the
31 event of any termination of assistance to any recipient, the dependents of that person may
32 still apply for and, if eligible, receive assistance.

33 **Sec. 23. 22 MRSA §4315-A**, as enacted by PL 1991, c. 591, Pt. OOO, §2, is
34 amended to read:

35 **§4315-A. Use of income for basic necessities required**

36 All persons requesting general assistance must use their income for basic necessities.
37 Except for initial applicants, recipients are not eligible to receive assistance to replace

1 income that was spent within the 30-day period prior to the application on goods and
2 services that are not basic necessities. The income not spent on goods and services that
3 are basic necessities is considered available to the applicant. ~~A municipality~~ An
4 administrator may require recipients to utilize income and resources according to
5 standards established by ~~the municipality~~ department rule, except that ~~a municipality~~ an
6 administrator may not reduce assistance to a recipient who has exhausted income to
7 purchase basic necessities. ~~Municipalities~~ Administrators shall provide written notice to
8 applicants of the standards established by the ~~municipalities~~ department.

9 **Sec. 24. 22 MRSA §4316-A**, as amended by PL 1993, c. 410, Pt. AAA, §10 and
10 PL 2003, c. 689, Pt. B, §6, is further amended to read:

11 **§4316-A. Work requirement**

12 **1. Ineligibility for assistance.** An applicant is ineligible for assistance for 120 days
13 ~~in all municipalities in the State~~ when any ~~municipality~~ municipality administrator establishes that the
14 applicant, without just cause:

- 15 A. Refuses to search for employment when that search is reasonable and appropriate;
- 16 B. Refuses to register for work;
- 17 C. Refuses to accept a suitable job offer under this section;
- 18 D. Refuses to participate in a training, educational or rehabilitation program that
19 would assist the applicant in securing employment;
- 20 F. Refuses to perform or willfully fails to perform a job assigned under subsection 2;
21 or
- 22 G. Willfully performs a job assigned under subsection 2 below the average standards
23 of that job.

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

27 **1-A. Period of ineligibility.** An applicant, whether an initial or repeat applicant,
28 who quits work or is discharged from employment due to misconduct as defined in Title
29 26, section 1043, subsection 23, is ineligible to receive assistance for 120 days after the
30 applicant's separation from employment.

31 **2. Department work program.** ~~A municipality~~ An administrator may require that
32 an otherwise eligible person who is capable of working be required to perform work for
33 ~~the municipality or work for~~ a nonprofit organization, if that organization has agreed to
34 participate as an employer in the ~~municipal~~ department work program, as a condition of
35 receiving general assistance. The ~~municipality~~ administrator may also require recipients,
36 as a part of the ~~municipal~~ department work program, to participate in a training,
37 educational or rehabilitative program that would assist the recipient in securing
38 employment. The ~~municipal~~ department work program is subject to the following
39 requirements.

- 1 A. A person may not, as a condition of general assistance eligibility, be required to
2 do any amount of work that exceeds the value of the net general assistance that the
3 person would otherwise receive under ~~municipal~~ general assistance standards. Any
4 person performing work under this subsection must be provided with net general
5 assistance, the value of which is computed at a rate of at least the State's minimum
6 wage.
- 7 B. A person may not be required to work under this subsection for a nonprofit
8 organization if that work would violate a basic religious belief of that person.
- 9 C. An eligible person performing work under this subsection may not replace ~~regular~~
10 ~~municipal employees or~~ regular employees of a participating nonprofit organization.
- 11 D. An eligible person in need of emergency assistance may not be required to
12 perform work under this subsection prior to receiving general assistance. An
13 applicant who is not in need of emergency assistance may be required to satisfactorily
14 fulfill a workfare requirement prior to receiving the nonemergency assistance
15 conditionally granted to that applicant.
- 16 E. Expenses related to work performed under this subsection by an eligible person
17 must be considered in determining the amount of net general assistance to be
18 provided to the person.
- 19 F. General assistance provided by ~~a municipality~~ an administrator for work
20 performed by an eligible person under this subsection must be:
- 21 (1) Included in the reimbursable net general assistance costs; and
22 (2) Itemized separately in reports to the Department of Health and Human
23 Services under section ~~4344~~ 4311-A.
- 24 G. A person may not be required to work under this subsection if that person is
25 physically or mentally incapable of performing the work assigned.
- 26 **3. Limitations of work requirement.** In no case may any work requirement or
27 training or educational program under this section interfere with a person's:
- 28 A. Existing employment;
29 B. Ability to pursue a bona fide job offer;
30 C. Ability to attend an interview for possible employment;
31 D. Classroom participation in a primary or secondary educational program intended
32 to lead to a high school diploma; or
33 E. Classroom or on-site participation in a training program that is either approved or
34 determined, or both, by the Department of Labor to be reasonably expected to assist
35 the individual in securing employment. This paragraph does not include participation
36 in a degree granting program, except when that program is a training program
37 operated under the control of the Department of Health and Human Services or the
38 Department of Labor.
- 39 **4. Eligibility regained.** A person who has been disqualified by any ~~municipality~~
40 administrator for not complying with any work requirement of this section may regain

1 eligibility during the 120-day period by becoming employed or otherwise complying with
2 the work requirements of this section. An applicant who is disqualified due to failure to
3 comply with the ~~municipal department~~ work program may be given only one opportunity
4 to regain eligibility during the 120-day disqualification period, except that if an applicant
5 who regains eligibility is again disqualified for failing to comply with the ~~municipal~~
6 department work program within the initial period of disqualification, the applicant is
7 ineligible for assistance for 120 days and does not have the opportunity to requalify
8 during the 120-day period.

9 **5. Just cause defined.** Just cause for failure to meet work requirements or the use of
10 potential resources must be found when there is reasonable and verifiable evidence of:

- 11 A. Physical or mental illness or disability;
- 12 B. Below-minimum wages;
- 13 C. Sexual harassment;
- 14 D. Physical or mental inability to perform required job tasks;
- 15 E. Inability to work required hours or to meet piece work standards;
- 16 F. Lack of transportation to and from work or training;
- 17 G. Inability to arrange for necessary child care or care of an ill or disabled family
18 member;
- 19 H. Any reason found to be good cause by the Department of Labor; and
- 20 I. Any other evidence that is reasonable and appropriate.

21 ~~The overseer~~ An administrator may not require medical verification of medical conditions
22 that are apparent or are of such short duration that a reasonable person would not
23 ordinarily seek medical attention. In any case in which ~~the overseer~~ an administrator
24 requires medical verification and the applicant has no means of obtaining such
25 verification, the ~~overseer~~ administrator shall grant assistance for the purpose of obtaining
26 that verification.

27 **Sec. 25. 22 MRSA §4318**, as amended by PL 1995, c. 462, Pt. A, §44, is further
28 amended to read:

29 **§4318. Recovery of expenses**

30 ~~A municipality or~~ If the State, which has incurred incurs general assistance program
31 costs for the support of any eligible person, the State may recover the full amount
32 expended for that support either from the person relieved or from any person liable for
33 the recipient's support, or from their executors or administrators, in a civil action. In no
34 case may ~~a municipality or the State be authorized to~~ recover through a civil action; the
35 full or part of; the amount expended for the support of a previously eligible person, if, as
36 a result of the repayment of that amount, this person would, in all probability, again
37 become eligible for general assistance.

38 ~~Notwithstanding any other provision of law, municipalities have a lien for the value~~
39 ~~of all general assistance payments made to a recipient on any lump sum payment made to~~

1 ~~that recipient under the former Workers' Compensation Act, the Maine Workers'~~
2 ~~Compensation Act of 1992 or similar law of any other state.~~

3 The department shall enter into an agreement with the Social Security Administration
4 to institute an interim assistance reimbursement for the purpose of the repayment of state
5 ~~and local~~ funds expended for providing assistance to Supplemental Security Income
6 applicants or recipients while the Supplemental Security Income payments are pending or
7 suspended. Written authorization must be given by the recipients.

8 ~~A municipality~~ The department may not recover from any recipient who has been
9 injured while performing work under section 4316-A, subsection 2, any portion of any
10 medical or rehabilitative expenses associated with that injury or any portion of any other
11 general assistance benefits associated with that injury.

12 ~~Nothing in this section may be construed as limiting or affecting in any way the right~~
13 ~~of any individual to file an action under the Maine Tort Claims Act, Title 14, chapter 741,~~
14 ~~except that a municipality that provides general assistance to a minor is absolutely~~
15 ~~immune from suit on any tort claims seeking recovery or damages by or on behalf of the~~
16 ~~minor recipient in connection with the provision of general assistance.~~

17 All collections, fees and payments received by the department from the Federal
18 Government as a result of an interim assistance reimbursement must be dedicated to
19 support the administration of the ~~General Assistance~~ general assistance program.

20 **Sec. 26. 22 MRSA §4319**, as amended by PL 1993, c. 410, Pt. AAA, §12, is
21 further amended to read:

22 **§4319. Liability of relatives for support**

23 **1. Relatives liable.** A parent of a child under 25 years of age ~~and~~ or a spouse living
24 in or owning property in the State shall support ~~their children~~ the child or husband or wife
25 in proportion to ~~their~~ the parent's or spouse's respective ability. Liability for burial
26 expenses is governed by section 4313.

27 **2. Rental payments to relatives.** ~~A municipality~~ An administrator or the State may
28 decide not to make payments for rental assistance on behalf of an otherwise eligible
29 individual when the rental payments would be made to a parent, grandparent, child,
30 grandchild, sibling, parent's sibling or any of their children, unless the ~~municipality~~
31 administrator finds that the rental arrangement has existed for 3 months prior to the
32 application for assistance and is necessary to provide the relative with basic necessities.

33 **3. Recovery of assistance provided.** ~~A municipality or the~~ The State, after
34 providing general assistance to a dependent of a legally responsible parent or to a person's
35 spouse who is financially capable of providing support, may then seek reimbursement or
36 relief for that support by initiating a complaint to the Superior Court or District Court,
37 including by small claims action, located in the division or county where the legally
38 responsible parent or spouse resides. The court may cause the legally responsible parent
39 or spouse to be summoned and upon hearing or default may assess and apportion a
40 reasonable sum upon those who are found to be of sufficient ability for the support of the

1 eligible person and shall issue a writ of execution. The assessment may not be made to
2 pay any expense for relief provided more than 12 months before the complaint was filed.
3 Any action brought under this section is governed by the Maine Rules of Civil Procedure.
4 The court may, from time to time, make any further order on complaint of an interested
5 party and, after notice is given, alter the assessment or apportionment.

6 **Sec. 27. 22 MRSA §4320**, as amended by PL 1991, c. 591, Pt. 000, §§5 and 6, is
7 further amended to read:

8 **§4320. Liens on real estate**

9 ~~A municipality or the~~ The State may claim a lien against the owner of real estate for
10 the amount of money spent by it to provide mortgage payments on behalf of an eligible
11 person under this chapter on any real estate that is the subject of a mortgage, whether land
12 or buildings or a combination thereof. ~~In addition, a municipality may claim a lien against~~
13 ~~the owner of real estate for the amount of money spent by it to make capital~~
14 ~~improvements to the real estate, whether land or buildings or a combination of land and~~
15 ~~buildings, on behalf of an eligible person under this chapter.~~

16 ~~The municipal officers, their designee or the~~ State shall file a notice of the lien with
17 the register of deeds of the county wherein the property is located within 30 days of
18 making a mortgage payment ~~or, if applicable, payment for capital improvements~~. That
19 filing secures the ~~municipality or~~ State's lien interest for an amount equal to the sum of
20 that mortgage ~~or capital improvement payment~~ and all subsequent mortgage ~~or capital~~
21 ~~improvement~~ payments made on behalf of the same eligible person. Not less than 10 days
22 prior to the filing, ~~the municipal officers, their designee or the~~ State shall send
23 notification of the proposed action by certified mail, return receipt requested, to the
24 owner of the real estate and any record holder of the mortgage. The lien notification must
25 clearly inform the recipient of the limitations upon enforcement contained in this section;
26 it ~~shall~~ must also contain the title, address and telephone number of the ~~municipal official~~
27 administrator who granted the assistance. A new written notice including these
28 provisions must be given to the recipient each time the amount secured by the lien is
29 increased. The lien is effective until enforced by an action for equitable relief or until
30 discharged.

31 Interest on the amount of money secured by the lien may be charged by the State ~~or a~~
32 ~~municipality~~, but in no event may the rate exceed the maximum rate of interest allowed
33 by the Treasurer of State, pursuant to Title 36, section 186. ~~For the State, the~~ The rate of
34 interest ~~shall~~ must be established by the department. ~~For a municipality, the rate of~~
35 ~~interest shall be established by the municipal officers~~. Interest ~~shall accrue~~ accrues from
36 and including the date the lien is filed.

37 The costs of securing and enforcing the lien may be recoverable upon enforcement.

38 ~~No~~ A lien may ~~not~~ not be enforced under this section while the person named in the lien
39 is either currently receiving any form of public assistance or, as a result of enforcement,
40 would become eligible for general assistance.

1 In no event may the lien be enforced prior to the death of the recipient of general
2 assistance or the transfer of the property.

3 **Sec. 28. 22 MRSA §4321**, as enacted by PL 1983, c. 577, §1, is amended to read:

4 **§4321. Grant, denial, reduction or termination to be communicated in writing;**
5 **right to a hearing**

6 Any action relative to the grant, denial, reduction, suspension or termination of relief
7 provided under this chapter must be communicated to the applicant in writing. The
8 decision ~~shall~~ must include the specific reason or reasons for that action and ~~shall~~
9 the person affected of ~~his~~ the right to a hearing, the procedure for requesting such a
10 hearing, the right to notify the department and the available means for notifying the
11 department, if ~~he~~ the person believes that the ~~municipality~~ administrator has acted in
12 violation of this chapter. All proceedings relating to the grant, denial, reduction,
13 suspension or termination of relief provided under this chapter are not public proceedings
14 under Title 1, chapter 13, unless otherwise requested by the applicant or recipient.

15 **Sec. 29. 22 MRSA §4322**, as corrected by RR 2009, c. 2, §60, is amended to read:

16 **§4322. Right to a fair hearing**

17 A person aggrieved by a decision, act, failure to act or delay in action concerning that
18 person's application for general assistance under this chapter has the right to an appeal. If
19 a person's application has been approved, general assistance may not be revoked during
20 the period of entitlement until that person has been provided notice and an opportunity for
21 hearing as provided in this section. Within 5 working days of receiving a written decision
22 or notice of denial, reduction or termination of assistance, in accordance with the
23 provisions of section 4321, or within 10 working days after any other act or failure to act
24 by the ~~municipality~~ administrator with regard to an application for assistance, the person
25 may request an appeal. A hearing must be held by ~~the~~ a fair hearing authority within 5
26 working days following the receipt of a written request by the applicant for an appeal.
27 The hearing ~~may~~ must be conducted by ~~the municipal officers, a board of appeals created~~
28 ~~under Title 30 A, section 2691, or one or more persons appointed by the municipal~~
29 ~~officers to act as a fair hearing authority according to the rules pursuant to section 4323.~~
30 An appeal may not be held before a person or body responsible for the decision, act,
31 failure to act or delay in action relating to the applicant.

32 The person requesting the appeal and the ~~municipal~~ administrator responsible for the
33 decision being appealed must be afforded the right to confront and cross-examine any
34 witnesses presented at the hearing, present witnesses in their behalf and be represented by
35 counsel or other spokesperson. A claimant must be advised of these rights in writing.
36 The decision of such an appeal must be based solely on evidence adduced at the hearing.
37 The Maine Rules of Evidence do not apply to information presented to the fair hearing
38 authority. The standard of evidence is the standard set in Title 5, section 9057, subsection
39 2. The person requesting the appeal must, within 5 working days after the appeal, be
40 furnished with a written decision detailing the reasons for that decision. When any
41 decision by a fair hearing authority or court authorizing assistance is made, that assistance
42 must be provided within 24 hours. Review of any action or failure to act under this

1 chapter must be conducted pursuant to the Maine Rules of Civil Procedure, Rule 80-B.
2 The ~~municipality~~ administrator shall make a record of the fair hearing. The
3 ~~municipality's administrator's~~ obligation is limited to keeping a taped record of the
4 proceedings. The applicant shall pay costs for preparing any transcripts required to
5 pursue an appeal of a fair hearing authority's decision.

6 **Sec. 30. 22 MRSA §4323**, as amended by PL 2007, c. 600, §1, is repealed and the
7 following enacted in its place:

8 **§4323. Department of Health and Human Services responsible**

9 The Department of Health and Human Services is responsible for the proper
10 administration of general assistance. The department shall adopt rules to implement this
11 chapter. Rules adopted pursuant to this section are major substantive rules as defined in
12 Title 5, chapter 375, subchapter 2-A.

13 **Sec. 31. 22 MRSA §4326**, as enacted by PL 2003, c. 673, Pt. DD, §1, is repealed.

14 **Sec. 32. 30-A MRSA §1605, sub-§8**, as enacted by PL 1987, c. 737, Pt. A, §2
15 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10 and
16 by PL 2003, c. 689, Pt. B, §6, is further amended to read:

17 **8. Evaluation of need of dependents.** The welfare director ~~or the overseers of the~~
18 ~~poor~~ of the municipality in which the prisoner's dependents reside, or the Department of
19 Health and Human Services, shall at the request of the court investigate and report to the
20 court the amount necessary for the support of the prisoner's dependents.

21 **Sec. 33. 30-A MRSA §2526, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2
22 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
23 further amended to read:

24 **4. Selectmen.** The following provisions apply to selectmen ~~and overseers~~.

25 A. A town may determine at a meeting held at least 90 days before the annual
26 meeting whether 3, 5 or 7 will be elected to each board and their terms of office.

27 (1) Once the determination has been made, it stands until revoked at a meeting
28 held at least 90 days before the annual meeting.

29 (2) If a town fails to fix the number, 3 ~~shall~~ must be elected. If a town fails to fix
30 the term, it is for one year.

31 ~~B. When others have not been elected, the selectmen shall serve as overseers of the~~
32 ~~poor.~~

33 C. A selectman may also serve as a member of the board of assessors.

34 D. A town, in electing selectmen ~~and overseers~~, may designate one of them as
35 ~~chairman~~ chair of the board.

36 (1) If no person is designated as ~~chairman~~ chair, the board shall elect by ballot a
37 ~~chairman~~ chair from its own membership, before assuming the duties of office.

1 When no member receives a majority vote, the clerk shall determine the
2 ~~chairman~~ chair by lot.

3 E. If the town fails to fix the compensation of these officials at its annual meeting,
4 they shall be paid \$10 each per day for every day actually and necessarily employed
5 in the service of the town.

6 **Sec. 34. 30-A MRSA §2631, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2
7 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
8 further amended to read:

9 **2. Government.** The government of each town under this subchapter ~~shall~~ must
10 consist of a town meeting, an elected board of selectmen, an elected school committee, an
11 appointed town manager and any other officials and employees that may be appointed
12 under this subchapter, general law or ordinance. Other town officials may be elected by
13 ballot, including, but not limited to, moderator, assessors, ~~overseers of the poor~~, clerk and
14 treasurer. The election of officials at the last annual town meeting ~~shall require~~ requires
15 that those town offices continue to be filled by election until the town designates
16 otherwise.

17 **Sec. 35. 30-A MRSA §2652, sub-§3, ¶B**, as amended by PL 2009, c. 589, §7, is
18 further amended to read:

19 B. Permit for the disposition of human remains, \$20, except that no fee is owed if
20 the disposition of human remains is paid for through the ~~municipal~~ general assistance
21 program under chapter 1161; and

22 **Sec. 36. 30-A MRSA §5052, sub-§1, ¶C**, as amended by PL 1991, c. 610, §21,
23 is further amended to read:

24 C. The level of general assistance by the State ~~and the municipality~~, as well as the
25 level of federal assistance to persons in these areas, must be considered.

26 **Sec. 37. 30-A MRSA §5721-A, sub-§4**, as amended by PL 2013, c. 368, Pt. G,
27 §1, is further amended to read:

28 **4. Adjustment for new state funding.** If the State provides net new funding to a
29 municipality for existing services funded in whole or in part by the property tax levy,
30 other than required state mandate funds pursuant to section 5685 that do not displace
31 current property tax expenditures, the municipality shall lower its property tax levy limit
32 in that year in an amount equal to the net new funds. For purposes of this subsection,
33 "net new funds" means the amount of funds received by the municipality from the State
34 during the most recently completed calendar year, with respect to services funded in
35 whole or in part by the property tax levy, less the product of the following: the amount of
36 such funds received in the prior calendar year multiplied by one plus the growth
37 limitation factor described in subsection 3. "Net new funds" refers to state-municipal
38 revenue sharing and does not include changes ~~in state funding for general assistance~~
39 ~~under Title 22, section 4311 or~~ in state funding under the Local Road Assistance Program
40 under Title 23, section 1803-B if those changes are the result of the operation of the
41 formula for calculation of state funding under that section but does include changes in

1 funding that are the result of a statutory change in the formula for calculation of state
2 funding under that section. If the calculation required by this subsection reveals that the
3 municipality received or will receive a net reduction in funding, the municipality is
4 authorized to adjust its property tax levy limit in an amount equal to the net reduction of
5 funds. For the purpose of determining if there was or will be a net reduction in funding,
6 the municipality may consider only those funds that are net new funds. For purposes of
7 this subsection, with respect to the development of any municipal budget that was finally
8 adopted on or before July 1, 2013, "net reduction in funding" means the amount of funds
9 received by the municipality from the State during the calendar year immediately
10 preceding the most recently completed calendar year less the amount of such funds
11 received in the most recently completed calendar year. For the purposes of this
12 subsection, with respect to the development of a municipal budget that is finally adopted
13 after July 1, 2013, a municipality may calculate net reduction in funding as the amount of
14 funds received by the municipality from the State during the municipal fiscal year
15 immediately preceding the fiscal year for which the budget is being developed less the
16 amount of such funds that will be received during the fiscal year for which the budget is
17 being prepared, as reasonably calculated on the basis of all available information. If the
18 calculation required by this subsection yields a positive value, that value may be added to
19 the municipality's property tax levy limit. If a municipality receives net new funds in any
20 fiscal year for which its property tax levy limit has not been adjusted as provided in this
21 subsection, the municipality shall adjust its property tax levy limit in the following year
22 in an amount equal to the net new funds.

23 **Sec. 38. Maine Revised Statutes headnote amended; revision clause.** In
24 the Maine Revised Statutes, Title 22, Subtitle 3, Part 5, in the Part headnote, the words
25 "municipal support of the poor" are amended to read "support of the poor" and the
26 Revisor of Statutes shall implement this revision when updating, publishing or
27 republishing the statutes.

28 **Sec. 39. Maine Revised Statutes headnote amended; revision clause.** In
29 the Maine Revised Statutes, Title 22, chapter 1161, in the chapter headnote, the words
30 "municipal general assistance" are amended to read "state general assistance" and the
31 Revisor of Statutes shall implement this revision when updating, publishing or
32 republishing the statutes.

33 **Sec. 40. Major substantive rules.** By December 31, 2015, the Department of
34 Health and Human Services shall adopt rules establishing the standards and protocol
35 necessary for state administration of the general assistance program pursuant to the Maine
36 Revised Statutes, Title 22, chapter 1161. Rules adopted pursuant to this section are major
37 substantive rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted
38 as emergency rules pursuant to Title 5, section 8054. This section takes effect 90 days
39 after adjournment of the First Regular Session of the 127th Legislature.

40 **Sec. 41. Effective date.** Except as otherwise provided, this Act takes effect on
41 January 1, 2016.

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SUMMARY

This bill shifts responsibility for the full funding and administration of the general assistance program from municipalities to the Department of Health and Human Services. The bill directs the department to adopt by December 31, 2015 major substantive rules necessary to implement the transfer of responsibilities. The transfer of responsibilities under the bill is effective January 1, 2016.