

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1036

S.P. 362

In Senate, March 24, 2015

**An Act To Prioritize Use of Available Resources in General
Assistance Programs**

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 BRAKEY of Androscoggin.
Cosponsored by Senators: BURNS of Washington, DAVIS of Piscataquis, MASON of
Androscoggin, WILLETTE of Aroostook, Representatives: HEAD of Bethel, SANDERSON
of Chelsea.

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

2 **Sec. 1. 22 MRSA §4301, sub-§12-B** is enacted to read:

3 **12-B. Potential resource.** "Potential resource" means any resource that may be
4 available, including, but not limited to, any state or federal assistance program,
5 employment benefits, governmental or private pension programs, available trust funds,
6 support from legally liable relatives, child support payments and jointly held resources in
7 which the applicant or recipient share may be available to the individual.

8 **Sec. 2. 22 MRSA §4317, first ¶,** as amended by PL 1993, c. 410, Pt. AAA, §11,
9 is further amended to read:

10 An applicant or recipient must make a good faith effort to secure any potential
11 resource ~~that may be available, including, but not limited to, any state or federal~~
12 ~~assistance program, employment benefits, governmental or private pension programs,~~
13 ~~available trust funds, support from legally liable relatives, child support payments and~~
14 ~~jointly held resources where the applicant or recipient share may be available to the~~
15 ~~individual.~~ Assistance may not be withheld pending receipt of such resource as long as
16 application has been made or good faith effort is being made to secure the resource.

17 **Sec. 3. 22 MRSA §4317, 3rd ¶,** as amended by PL 1993, c. 410, Pt. AAA, §11, is
18 further amended to read:

19 An applicant who refuses to utilize potential resources without just cause, after
20 receiving a written 7-day notice, is disqualified from receiving assistance until the
21 applicant has made a good faith effort to secure the resource. It is the responsibility of
22 the applicant to establish the presence of just cause.

23 **Sec. 4. 22 MRSA §4317-A** is enacted to read:

24 **§4317-A. Use of available resources**

25 **1. Definition.** For the purposes of this section, "available resource" means any
26 resource that is immediately available or can be secured without delay, including but not
27 limited to cash on hand or in bank accounts, support from relatives, any state, federal or
28 nonprofit health or social service provider assistance or any housing, employment or
29 unemployment assistance that an applicant is receiving or immediately eligible to receive.

30 **2. Abandonment and refusal to use available resource.** An applicant who
31 abandons or refuses to use an available resource without just cause is not eligible to
32 receive general assistance to replace the abandoned or refused resource for a period of
33 120 days from the date the applicant abandoned or refused to use the resource. A
34 resource is considered abandoned if the applicant without just cause voluntarily
35 terminates receipt of an available resource. It is the responsibility of the applicant to
36 establish the presence of just cause.

37 **3. Forfeiture of benefits.** An applicant who forfeits receipt of or causes reduction in
38 benefits from an available resource because of fraud, misrepresentation or a knowing or

1 intentional violation of a rule governing an available resource or a refusal to comply with
2 a rule governing an available resource without just cause is not eligible to receive general
3 assistance to replace the forfeited benefits for the duration of a sanction imposed on the
4 applicant for violation of a rule governing an available resource or 120 days, whichever is
5 greater. It is the responsibility of the applicant to establish the presence of just cause.

6 **4. Just cause.** For the purposes of this section, just cause must be found when there
7 is reasonable and verifiable evidence of:

8 A. An unreasonable requirement placed on the applicant or applicant's family by the
9 provider of the available resource that interferes with any right secured by the United
10 States Constitution or secured by the Constitution of Maine;

11 B. Discrimination on the basis of religion, ethnicity, age, race, color, gender, sexual
12 orientation, national origin or disability;

13 C. The use of the available resource jeopardizing the health or safety of an applicant
14 or applicant's family;

15 D. A natural disaster that makes the available resource uninhabitable or unavailable;

16 E. Abandonment of shelter housing in order to obtain permanent housing;

17 F. Inability to access available resources due to a lack of public or private
18 transportation or medical illness or injury;

19 G. Just cause as defined in section 4316-A, subsection 5; or

20 H. Any other evidence that is reasonable and appropriate.

21 Failure of an otherwise eligible person to comply with this section may not affect the
22 general assistance eligibility of any member of the person's household.

23 **SUMMARY**

24 This bill makes an applicant for general assistance who voluntarily abandons or
25 refuses to use an available resource without just cause ineligible to receive general
26 assistance to replace the abandoned resource for a period of 120 days from the date the
27 applicant abandons the resource. The bill defines "available resource" as a resource that
28 is immediately available or can be secured without delay. The bill also makes an
29 applicant who forfeits an available resource due to fraud, misrepresentation or intentional
30 violation or refusal to comply with rules without just cause ineligible to receive general
31 assistance to replace the forfeited resource for the duration of the sanction imposed on the
32 applicant for violation of a rule or 120 days, whichever is greater. The bill identifies
33 circumstances relating to use of an available resource under which just cause must be
34 found.