

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 219

S.P. 65

In Senate, January 24, 2017

**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 Senator: MASON of Androscoggin, Representative: SANDERSON of
Chelsea.

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

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

3 **1-B. Available resource.** "Available resource" means any resource that is
4 immediately available or can be secured without delay to an applicant or recipient,
5 including but not limited to cash on hand or in bank accounts or support from relatives.
6 "Available resource" also includes any state, federal or nonprofit health or social service
7 provider assistance or any housing, employment or unemployment assistance that an
8 applicant is receiving or immediately eligible to receive.

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

10 **12-B. Potential resource.** "Potential resource" means any resource that may be
11 available to an applicant or recipient, 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 in which the applicant's or recipient's share may be available.

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

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

24 **Sec. 4. 22 MRSA §4317, 3rd ¶,** as amended by PL 1993, c. 410, Pt. AAA, §11, is
25 further amended to read:

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

30 **Sec. 5. 22 MRSA §4317-A** is enacted to read:

31 **§4317-A. Use of available resources**

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

