

MAINE STATE LEGISLATURE

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Date: 3/22/2018 Report B

L.D. 1109
(Filing No. S-410)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "C" to S.P. 363, L.D. 1109, Bill, "An Act To Improve General Assistance Reimbursements"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the General Assistance Laws'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

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

Sec. 2. 22 MRSA §4301, sub-§5-A is enacted to read:

5-A. Homelessness. "Homelessness" means a situation in which a person or household has no permanent or safe housing including when a person or household is:

- A. Living in a place that is not fit for human habitation;
- B. Living in an emergency shelter;
- C. Living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility;
- D. Exiting a hospital or institution licensed under chapter 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility;

COMMITTEE AMENDMENT

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E. Losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or

F. Fleeing or attempting to flee violence and has no other residence.

Sec. 3. 22 MRSA §4301, sub-§12-B is enacted to read:

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

Sec. 4. 22 MRSA §4308, sub-§2, as amended by PL 1999, c. 45, §1, is further amended to read:

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

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

B. Municipalities may by standards adopted in municipal ordinances restrict the disbursement of emergency assistance to alleviate emergency situations to the extent that those situations could not have been averted by the applicant's use of income and resources for basic necessities. The person requesting assistance shall provide evidence of income and resources for the applicable time period.

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs.

Sec. 5. 22 MRSA §4317, first ¶, as amended by PL 1993, c. 410, Pt. AAA, §11, is further amended to read:

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

Sec. 6. 22 MRSA §4317, 3rd ¶, as amended by PL 1993, c. 410, Pt. AAA, §11, is further amended to read:

An applicant who refuses to utilize potential resources without just cause, after receiving a written 7-day notice, is disqualified from receiving assistance until the

GROUPS

1 applicant has made a good faith effort to secure the resource. It is the responsibility of
2 the applicant to establish the presence of just cause.

3 **Sec. 7. 22 MRSA §4317-A** is enacted to read:

4 **§4317-A. Use of available resources**

5 **1. Abandonment and refusal to use available resource.** An applicant who
6 abandons or refuses to use an available resource without just cause is not eligible to
7 receive general assistance to replace the abandoned or refused resource for a period of
8 120 days from the date the applicant abandoned or refused to use the resource. A resource
9 is considered abandoned if the applicant without just cause voluntarily terminates receipt
10 of an available resource. It is the responsibility of the applicant to establish the presence
11 of just cause.

12 **2. Forfeiture of benefits.** An applicant who forfeits receipt of or causes reduction in
13 benefits from an available resource because of fraud, misrepresentation, a knowing or
14 intentional violation of a rule governing an available resource or a refusal to comply with
15 a rule governing an available resource without just cause is not eligible to receive general
16 assistance to replace the forfeited benefits for the duration of a sanction imposed on the
17 applicant for any of these actions or 120 days, whichever is greater. It is the responsibility
18 of the applicant to establish the presence of just cause.

19 **3. Just cause.** For the purposes of this section, just cause must be found when there
20 is reasonable and verifiable evidence of:

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

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

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

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

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

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

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

33 H. Any other condition under which the applicant's actions may be determined
34 reasonable and appropriate.

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

37 **SUMMARY**

38 This amendment replaces the bill and incorporates the majority report, which defines
39 "homelessness" and establishes homelessness as an emergency for the purposes of being

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COMMITTEE AMENDMENT "C" to S.P. 363, L.D. 1109

1 granted emergency general assistance, as long as the person or household is not otherwise
2 ineligible or disqualified from receiving general assistance. The amendment also makes
3 an applicant for general assistance who voluntarily abandons or refuses to use an
4 available resource without just cause ineligible to receive general assistance to replace the
5 abandoned or refused resource for a period of 120 days from the date the applicant
6 abandons or refuses the resource. It defines "available resource" as a resource that is
7 immediately available or can be secured without delay. It also makes an applicant who
8 forfeits an available resource due to fraud, misrepresentation or intentional violation of or
9 refusal to comply with rules without just cause ineligible to receive general assistance to
10 replace the forfeited resource for the duration of a sanction imposed on the applicant for
11 any of these actions or 120 days, whichever is greater. The amendment also identifies
12 circumstances relating to use of an available resource under which just cause must be
13 found.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 02/28/18 *MAC*

128th MAINE LEGISLATURE

LD 1109

LR 1843(05)

An Act To Improve General Assistance Reimbursements

Fiscal Note for Bill as Amended by Committee Amendment "C" (S-416)
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Potential current biennium savings - General Fund

Fiscal Detail and Notes

This bill defines homelessness and establishes it as an emergency for the purposes of being granted General Assistance (GA), assuming applicant is not otherwise ineligible or disqualified from receiving GA. By being deemed an emergency, municipalities would be allowed to go over the normal monthly cap on housing expenditures in GA. This will potentially increase assistance payments made by municipalities and increase amounts reimbursed to municipalities by the Department of Health and Human Services. A more precise estimate of the fiscal impact is not possible because recipient data related to number of months on assistance, amounts paid to each recipient, number of recipients who return and the frequency of emergency status resides at the municipal level and varies over time.

Additionally, this bill makes an applicant for general assistance who voluntarily abandons or refuses to use an available resource without just cause ineligible to receive general assistance to replace the abandoned or refused resource for a period of 120 days. This will potentially reduce assistance payments made by municipalities and reduce amounts reimbursed to municipalities by the Department of Health and Human Services. The potential savings to the department is not expected to be significant because the frequency of refusing or abandoning resources is expected to be very small, the municipalities ability to identify abandoned or refused resources is unknown and recipients typically do not stay in the program, having to reapply each month they seek help. A more precise estimate of the fiscal impact is not possible because recipient data related to number of months on assistance, amounts paid to each recipient, number of recipients who return and the frequency of refusal of resources resides at the municipal level and varies over time.