

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 364

S.P. 171

In Senate, January 31, 2023

**An Act to Prohibit the Use of General Assistance as a Replacement
for Available Resources**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.

Cosponsored by Senators: GUERIN of Penobscot, HARRINGTON of York, Representatives:
BOYER of Poland, CAMPBELL of Orrington, FREDERICKS of Sanford, GRIFFIN of
Levant, HYMES of Waldo, LIBBY of Auburn.

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 programs,
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, is
9 further amended to read:

10 An applicant or recipient must make a good faith effort to secure any potential resource
11 ~~that may be available, including, but not limited to, any state or federal assistance program,~~
12 ~~employment benefits, governmental or private pension programs, available trust funds,~~
13 ~~support from legally liable relatives, child support payments and jointly held resources~~
14 ~~where the applicant or recipient share may be available to the individual.~~ Assistance may
15 not be withheld pending receipt of such resource as long as application has been made or
16 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 applicant
21 has made a good faith effort to secure the resource. It is the responsibility of the applicant
22 to establish the presence of just cause pursuant to section 4317-A, subsection 4.

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 is immediately eligible to
30 receive.

31 **2. Abandonment or refusal to use available resource.** An applicant who abandons
32 or refuses to use an available resource without just cause is not eligible to receive general
33 assistance to replace the abandoned or refused resource for a period of 120 days from the
34 date the applicant abandoned or refused to use the resource. A resource is considered
35 abandoned if the applicant without just cause voluntarily terminates receipt of an available
36 resource. It is the responsibility of the applicant to establish the presence of just cause
37 pursuant to subsection 4.

38 **3. Forfeiture of benefits.** An applicant who forfeits receipt of or causes a reduction
39 in benefits from an available resource because of fraud, misrepresentation or a knowing or
40 intentional violation of a rule governing an available resource or a refusal to comply with
41 a rule governing an available resource without just cause is not eligible to receive general
42 assistance to replace the forfeited benefits for the duration of a sanction imposed on the

1 applicant for violation of a rule governing an available resource or 120 days, whichever is
2 greater. It is the responsibility of the applicant to establish the presence of just cause
3 pursuant to subsection 4.

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

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

9 B. Discrimination on the basis of actual or perceived race, color, sex, sexual
10 orientation, gender identity, physical or mental disability, religion, ancestry or national
11 origin, age or familial status;

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

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

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

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

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

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

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

22 **SUMMARY**

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