

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1732

H.P. 1111

House of Representatives, April 20, 2023

An Act to Expand the General Assistance Program

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MEYER of Eliot.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** provisions in this legislation take effect July 1, 2023; and

4 **Whereas,** unless this legislation takes effect immediately, the provisions in the bill
5 cannot be effectuated; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 22 MRSA §4302-A** is enacted to read:

12 **§4302-A. Training for overseers and municipal officials**

13 **1. Training required.** No later than the 120th day after appointment or election, an
14 overseer, municipal official designated by the overseers to administer this chapter and any
15 municipal official appointed to administer this chapter shall complete training on the
16 requirements of this chapter.

17 **2. Training; minimum requirements.** The department shall ensure that all overseers
18 and municipal officials have access to training required in subsection 1, at no cost to the
19 overseer or municipal official, that can be completed in less than 4 hours and is accessible
20 either in-person, online or via a pre-recorded video presentation. At a minimum, the
21 training must include instruction on the purpose of the general assistance program and the
22 laws governing its administration, procedures and requirements. Participation in a training
23 program offered by a statewide association of general assistance administrators meets the
24 training requirements under subsection 1.

25 **Sec. 2. 22 MRSA §4304, sub-§1,** as amended by PL 1991, c. 209, §1, is further
26 amended to read:

27 **1. Local office.** There must be in each municipality a general assistance office or
28 designated place where any person may apply for general assistance ~~at~~ during regular;
29 ~~reasonable times designated by the municipal officers~~ business hours. Notice must be
30 posted of these times, the name of the overseer available to take applications in an
31 emergency at all other times, the fact that the municipality must issue a written decision on
32 all applications within 24 hours and the department's toll-free telephone number for
33 reporting alleged violations in accordance with section 4321.

34 **Sec. 3. 22 MRSA §4307, sub-§4,** as amended by PL 2017, c. 130, §1, is further
35 amended to read:

36 **4. Special circumstances.** Overseers of a municipality may not move or transport an
37 applicant or recipient into another municipality to relieve their municipality of
38 responsibility for that applicant's or recipient's support. The municipality of responsibility
39 for relocations and institutional settings is as follows.

40 A. When an applicant or recipient requests relocation to another municipality and the
41 overseers of a municipality assist that person to relocate to another municipality, the

1 municipality from which that person is moving continues to be responsible for the
2 support of the recipient ~~for 30 days, including processing applications and determining~~
3 eligibility for assistance, unless otherwise agreed upon by the affected municipalities,
4 for 6 months after relocation. As used in this paragraph, "assist" includes:

- 5 (1) Granting financial assistance to relocate; and
- 6 (2) Making arrangements for a person to relocate.

7 B. If an applicant is in a group home, shelter, rehabilitation center, nursing home,
8 hospital or other institution at the time of application and has either been in that
9 institution for ~~6~~ 12 months or less; or had a residence immediately prior to entering the
10 institution ~~which that~~ that the applicant had maintained and to which the applicant intends
11 to return, the municipality of responsibility is the municipality where the applicant was
12 a resident immediately prior to entering the institution and that municipality continues
13 to be responsible for the support of the recipient, including processing applications and
14 determining eligibility for assistance, unless otherwise agreed upon by the affected
15 municipalities. For the purpose of this paragraph, a hotel, motel or similar place of
16 temporary lodging is considered an institution when a municipality:

- 17 (1) Grants financial assistance for a person to move to or stay in temporary
18 lodging;
- 19 (2) Makes arrangements for a person to stay in temporary lodging;
- 20 (3) Advises or encourages a person to stay in temporary lodging; or
- 21 (4) Illegally denies housing assistance and, as a result of that denial, the person
22 stays in temporary lodging.

23 **Sec. 4. 22 MRSA §4311, sub-§1**, as amended by PL 2015, c. 267, Pt. SSSS, §1, is
24 further amended to read:

25 **1. Departmental reimbursement.** When a municipality incurs net general assistance
26 costs in any fiscal year prior to July 1, 2015 in excess of .0003 of that municipality's most
27 recent state valuation relative to the state fiscal year for which reimbursement is being
28 issued, as determined by the State Tax Assessor in the statement filed as provided in Title
29 36, section 381, the Department of Health and Human Services shall reimburse the
30 municipality for 90% of the amount in excess of these expenditures when the department
31 finds that the municipality has been in compliance with all requirements of this chapter. If
32 a municipality elects to determine need without consideration of funds distributed from any
33 ~~municipally-controlled~~ municipally controlled trust fund that must otherwise be considered
34 for purposes of this chapter, the department shall reimburse the municipality for 66 2/3%
35 of the amount in excess of such expenditures when the department finds that the
36 municipality has otherwise been in compliance with all requirements of this chapter.

37 The department shall reimburse each municipality and each Indian tribe 70% of the direct
38 costs incurred by that municipality or tribe on or after July 1, 2015 and until June 30, 2023
39 for the general assistance program granted by that municipality or tribe. ~~For the purposes~~
40 ~~of this subsection, "Indian tribe" has the same meaning as in section 411, subsection 8-A.~~

41 Beginning July 1, 2023, the department shall reimburse each municipality and each Indian
42 tribe 90% of the direct costs incurred by that municipality or tribe for the general assistance
43 program granted by that municipality or tribe. If a municipality elects to determine need

1 without consideration of funds distributed from any municipally controlled trust fund that
2 must otherwise be considered for purposes of this chapter, the department shall reimburse
3 the municipality for 66 2/3% of the amount in excess of such expenditures when the
4 department finds that the municipality has otherwise been in compliance with all
5 requirements of this chapter.

6 For the purposes of this subsection, "Indian tribe" has the same meaning as in section 411,
7 subsection 8-A.

8 **Sec. 5. 22 MRSA §4311, sub-§1-A**, as amended by PL 1995, c. 696, Pt. A, §39, is
9 repealed and the following enacted in its place:

10 **1-A. Municipalities reimbursed.** The department shall reimburse municipalities as
11 follows:

12 A. One hundred percent of the expenses approved pursuant to section 4313 for hospital
13 inpatient or outpatient care at any hospital on behalf of any person who is otherwise
14 eligible and who would have been entitled to receive payments for hospital care if that
15 care had been rendered prior to May 1, 1984 for services under the catastrophic illness
16 program in section 3185;

17 B. One hundred percent of the expenses for emergency general assistance pursuant to
18 this chapter that exceed the maximum levels of assistance established by that
19 municipality;

20 C. One hundred percent of the expenses for temporary housing;

21 D. One hundred percent of the expenses for interpreter services necessary to ensure
22 compliance with this chapter; and

23 E. Five percent of the direct costs incurred for general assistance granted by that
24 municipality for administrative expenses.

25 For purposes of this subsection, "temporary housing" means a hotel, motel or similar place
26 of temporary lodging.

27 **Sec. 6. 22 MRSA §4323, sub-§6** is enacted to read:

28 **6. Education and training.** The department shall require state employees responsible
29 for oversight of the general assistance program and employees of the Human Services
30 Fraud Investigation Unit, established pursuant to section 13, to receive annual training on
31 the administration, implementation and enforcement of the relevant statutes, rules and
32 responsibilities for assisting overseers in administering the general assistance program.

33 **Sec. 7. 22 MRSA §4323, sub-§7** is enacted to read:

34 **7. Twenty-four-hour assistance.** The department shall provide in-person technical
35 assistance to overseers 24 hours a day.

36 **Sec. 8. 22 MRSA §4323, sub-§8** is enacted to read:

37 **8. Written decisions.** Within 24 hours of receiving an inquiry under subsection 7, the
38 department shall provide an overseer with a written decision, including a reference to the
39 relevant statutes or rules used to issue the decision.

40 **Sec. 9. 22 MRSA §4323, sub-§9** is enacted to read:

1 9. Database. Beginning on July 1, 2025, the department shall provide overseers access
2 to an Internet-based, real-time database containing the information necessary to properly
3 determine an applicant’s eligibility.

4 **Sec. 10. Application.** That section of this Act that enacts the Maine Revised
5 Statutes, Title 22, section 4302-A applies to all overseers and municipal officials serving
6 on and after the effective date of this Act.

7 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
8 takes effect when approved.

9 **SUMMARY**

10 This bill changes the municipal general assistance program in the following ways:

11 1. It requires overseers and designated or appointed municipal officials administering
12 the program to complete training within 120 days of election or appointment;

13 2. It requires municipalities to accept applications for general assistance during regular
14 business hours;

15 3. It amends provisions governing the municipality of responsibility to increase the
16 provision of assistance from 30 days to 6 months when a municipality assists an applicant
17 in relocating to another community and from 6 months to 12 months when an applicant is
18 residing in a group home, shelter, rehabilitation center, nursing home or hospital or in a
19 hotel, motel or other temporary housing;

20 4. It increases, from 70% to 90%, the amount of state reimbursement for the costs of
21 general assistance incurred by each municipality and Indian tribe. It also provides that, if a
22 municipality elects to determine need without consideration of funds from a municipally
23 controlled trust, the State is required to reimburse the municipality for 66 2/3% of the
24 amount in excess of expenditures;

25 5. It provides state reimbursement for additional program costs, including emergency
26 general assistance, temporary housing, interpreter services and administrative expenses;
27 and

28 6. It requires the Department of Health and Human Services to provide the services
29 necessary to support municipalities, including education and training for certain state
30 employees, 24-hour technical assistance, written decisions and a database.