

# MAINE STATE LEGISLATURE

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# E I G H T Y - E I G H T H L E G I S L A T U R E

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**Legislative Document**

**No. 4**

S. P. 37

In Senate, January 12, 1937.

Referred to Committee on Pensions and 1,000 copies ordered printed.  
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Friend of Somerset.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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### **AN ACT to Provide for Old Age Assistance.**

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

**Sec. 1. Department of health and welfare to supervise old age assistance.**

The department of health and welfare shall supervise the carrying out and enforcement of the provisions of law relating to old age assistance. It is hereby empowered to employ such assistants as may be necessary to carry out the provisions of this act, and to co-ordinate their work with that of the other social welfare work of the department.

**Sec. 2. Definition.** The word "department" wherever hereinafter used shall be construed to mean the department of health and welfare.

**Sec. 3. Old age assistance provided for.** Subject to the qualifications and restrictions contained in this act, every person residing in this state shall be entitled to assistance in old age. The amount of assistance which any such person shall receive shall be determined on a budgetary basis with due regard to the conditions existing in each case and in accordance with the rules and regulations made by the department. This assistance shall be sufficient, when added to all other income and support of the recipient,

to provide such person with a reasonable subsistence compatible with decency and health, but not exceeding \$30 per month, except that such additional sums may be granted in the case of persons who are ill or incapacitated as may be necessary to provide for the applicant adequate and decent maintenance and care. No person receiving assistance under this act shall be deemed a pauper.

**Sec. 4. Requisites for assistance.** Old age assistance shall be granted only to an applicant who

- (a) Is 65 years of age or more;
- (b) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;
- (c) Has resided in the state for 5 or more years within the 9 years immediately preceding application for assistance and has resided therein continuously for 1 year immediately preceding the application;
- (d) Is not an inmate of and is not being maintained by any municipal, state, or national institution; but an inmate of such an institution may file application for assistance under this act, and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution;
- (e) Has no spouse able to support him;
- (f) Has no child or children able to support him.

**Sec. 5. Change of status of person assisted.** If the recipient of old age assistance or his spouse becomes possessed of any property or any income in addition to the amount stated in his application, it shall be his duty immediately to notify the department of such fact.

**Sec. 6. Penalty for felony by person assisted.** Any recipient of old age assistance who is convicted of a felony shall be disqualified from receiving old age assistance.

**Sec. 7. Funeral expenses of person assisted.** On the death of a recipient, reasonable funeral expenses not exceeding \$100 shall be paid by the department if the estate of the deceased is insufficient to pay the same.

**Sec. 8. Assistance may be paid to a guardian.** If the recipient of assistance is, on the testimony of reputable citizens, found by the department to be incapable of taking care of himself or his money, the department after due investigation, may pay the same to a legally appointed guardian for his benefit.

**Sec. 9. Inalienability of assistance.** All rights to assistance shall be absolutely inalienable by any assignment, sale, execution, pledge or otherwise, and shall not pass, in case of insolvency or bankruptcy, to any trustee, assignee or creditors.

**Sec. 10. Disqualification of applicant.** Any applicant for old age assistance who divests himself directly or indirectly of any property for the purpose of qualifying for old age assistance shall forfeit all right to receive old age assistance under this act.

**Sec. 11. Penalty for fraud.** Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent devices obtains or attempts to obtain, or aids or abets any person to obtain,

- (a) Assistance to which he is not entitled;
- (b) A larger assistance than that to which he is entitled;
- (c) Payment of any forfeited instalment of assistance; and any person who knowingly buys or aids or abets in buying or in any way disposing of the property of a recipient in such a way as to constitute a fraud upon the department shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

**Sec. 12. General penalty.** Any person who violates any of the provisions of this act for which no penalty is specifically provided shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. If a recipient of assistance is convicted of an offense under this section, the department may cancel the assistance.

**Sec. 13. Suspension or forfeiture of assistance.** If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment.

**Sec. 14. Right of appeal.** Any person who is denied assistance or who is not satisfied with the amount of assistance allotted to him, or is aggrieved by a decision of the department made under any provision of this act, shall have the right of appeal to the commissioner of health and welfare who shall provide the appellant with an opportunity for a fair hearing. Said commissioner or a member of the department designated and authorized by him shall hear all evidence pertinent to the matter at issue and render a decision thereon within a reasonable period from the date of the hearing.

For the purposes of this act, the department shall have the power to issue subpoenas for witnesses and compel their attendance and the production of papers and writings by punishment for contempt in case of wilful failure, neglect or refusal.

**Sec. 15. Reports to the Social Security Board.** The department shall from time to time make such reports, in such form and containing such information, as the federal social security board may require, and comply with such provisions as the board may find necessary to assure the correctness and verification of such reports.

**Sec. 16. Administration.** All monies made available under this act shall be expended under the direction of the department, and the department is empowered to direct the expenditure therefrom of such sums as may be necessary for the purposes of administration. All assistance granted under this act shall be paid monthly by the state.

**Sec. 17. Acceptance of provisions of federal law.** The department is hereby authorized to apply for federal assistance under the provisions of Title I of the Social Security Act (Public No. 271, 74th Congress); and to comply with such conditions, not inconsistent with the provisions of this act, as may be required for such assistance.

**Sec. 18. Saving clause.** The unconstitutionality of any section or provision of this act shall not invalidate the remainder of the act.

**Sec. 19. P. L., 1933, c. 267, repealed.** Chapter 267 of the public laws of 1933 is hereby repealed.