

MAINE STATE LEGISLATURE

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EIGHTY - EIGHTH LEGISLATURE

Legislative Document

No. 615

S. P. 362

In Senate, February 16, 1937.

Referred to Committee on Pensions. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Sewall of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Provide Old Age Assistance and to Make an Appropriation Therefor.

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

P. L., c. 267, §§ 1 to 25, amended. Sections 1 to 25 inclusive of chapter 267 of the public laws of 1933 are hereby repealed and the following enacted in place thereof:

'Sec. 1. Old age assistance. Subject to the provisions of this act, aged and deserving citizens residing in the state of Maine while in need of assistance shall be entitled to aid in old age from the state.'

'Sec. 2. Requirements. Old age assistance shall be granted to any person who:

- (a) Is a citizen of the United States;
- (b) Has been a resident of the state of Maine for 5 years or more out of the 9 years immediately preceding application, and who has lived in the state continuously for 1 year immediately preceding application for assistance;
- (c) Is not at the date of making application or of receiving aid, an inmate of any prison, jail, workhouse, insane asylum or any other public reform or correctional institution;

(d) Has not adequate income when joined with the income of such person's spouse to provide a reasonable subsistence compatible with decency and health;

(e) Has not made a transfer of property or income for the purpose of qualifying for assistance;

(f) Has no children able to support him;

(g) Has attained the age of 65 years.'

'Sec. 3. Restrictions. Aid under this act shall not be granted to any person having an income in excess of \$360 per year, or, if married and not separated from a spouse when his income is joined with the income of such person's spouse, in excess of \$540 per year; nor to any person having equity in property in excess of \$2500, or, if married and not separated from his spouse, if the equity in their combined property exceeds \$4000; provided, however, that \$1000 in value of any house owned, used and occupied by applicant or by applicant and his spouse as his or their home shall not be considered in computing the value of his property.'

'Sec. 4. Amount to be determined. The amount of aid which may be awarded to any applicant shall be fixed with due regard to the conditions existing in each case, but in no case shall it be an amount which, when added to the income of the applicant from all other sources, including income from property as computed under the terms of this act, and assistance from the United States government, shall exceed a total of \$30 per month, or where a husband and wife living together are both applicants which shall exceed for both \$45 per month, provided, that in computing the income of the applicant, earnings or gifts when such do not exceed \$100 in any calendar year, shall not be considered.'

'Sec. 5. Determination of value of property. The property owned by the applicant at the date of his application for assistance, and, if married and not separated from his spouse, that owned by his spouse at such time, and the income of the applicant for the 12 months immediately preceding the date of such application, and, if married and not separated from his spouse, the income of such person's spouse for such period, shall govern as to the property and income qualifications specified in section 3 of this act in determining assistance, if any, to which applicant is entitled; provided that, subsequent changes, if any, in such property, ownership or income shall be considered in determining whether assistance to such person shall be discontinued, decreased, continued or increased; provided further that, for the purpose of such section, the annual income of any property which does not produce a reasonable income shall be computed at 4% of the market value of such property.'

‘Sec. 6. Amount allowed may be changed. If the recipient of old age assistance or his spouse becomes possessed of any property or income in excess of the amount allowed by this act, it shall be his duty immediately to notify the state commission of such fact, and it may upon inquiry revoke or reduce the assistance; any excess assistance paid shall be returned and be recoverable as a debt; $\frac{1}{2}$ of the net amount returned or recovered shall be payable to the federal government, $\frac{1}{4}$ to the state and $\frac{1}{4}$ to the city, town or plantation.’

‘If any recipient shall suffer a reduction in his property or income below the amount which he was expected by the state commission to hold or receive he may apply to the municipal old age assistance board for an increase in the assistance and it shall be the duty of said board upon investigation to report and make recommendations to the state commission.’

‘Sec. 7. Old age assistance commissions. There shall be created a commission that shall be known and designated as the old age assistance commission, and shall consist of 3 members: the commissioner of health and welfare, director of health of the department of health and welfare; and the director of social welfare of the department of health and welfare; who shall serve as commissioners without additional compensation as such, until their successors are appointed and qualified as provided by chapter 216 of the public laws of 1931. The chairman of said commission shall be the commissioner of health and welfare. The commission shall appoint all other necessary assistants and fix their duties and salaries and shall make rules and regulations as are necessary to carry out the provisions of this act.’

‘Sec. 8. Municipal old age assistance boards. In each city, town and plantation there shall be a municipal old age assistance board to consist of the overseers or board of overseers of the poor, who shall serve ex officio, unless by city ordinance or the town or plantation by vote upon warrant shall provide for a special board not fewer than 3 persons, one of whom shall be a woman, appointed or elected for a 3 year term, 1 term expiring each year to serve as such municipal old age assistance board. Members of such board shall receive such compensation as may be deemed adequate by the municipal officers of said cities or towns, or by the county commissioners where a board is created in a plantation subject to the approval of the commission. Application for assistance shall be made to the board herein designated in the city, town or plantation in which the applicant is a resident and in the manner and form prescribed by the state commission. The board or its agents shall immediately investigate the applicant’s

condition and within 30 days after receiving the application they shall forward it with their recommendations to the state commission together with such supporting evidence and papers as the commission shall require.

'The commission, thereupon, shall make such investigation as it deems necessary and shall decide upon the application and fix the amount of assistance, if any; provided, however, that should an applicant for assistance be denied, the applicant may within 30 days after receiving said notice make appeal to the commission for reconsideration of the application for assistance. For the purpose of any such hearing on appeal, the commission shall have power to compel by subpoena, the attendance and testimony of witnesses, and the production of books and papers. All witnesses shall be examined on oath and any members of the commission may administer said oath.

'When an applicant for assistance has been denied assistance and no appeal for reconsideration has been taken within the period of 30 days next thereafter, or, when an appeal for reconsideration of denial of assistance has been taken within the prescribed time limit thereafter and upon hearing, assistance is again denied, such decision shall be final, until such time as applicant's status as to property or income has changed so as to be materially less than when assistance was denied.'

'Sec. 9. Default of municipal board, procedure. If said municipal board of old age assistance shall fail for 30 days to act upon and report said application, the applicant may make application for aid to the commission, who shall communicate with the municipal old age assistance board; and if the municipal old age assistance board shall thereafter neglect or fail to act for a period of 10 additional days, the commission itself shall proceed to investigate the merits of said application and to determine if any aid should be awarded to the applicant, and the decision of said commission shall be of the same effect and validity as if the municipal board had in the first instance proceeded according to section 7. The expense incurred by the state commission by reason of the default of the municipal board for making said investigation shall be collected from the city, town or plantation so failing to act as aforesaid by an action at law in the name of the state.'

'Sec. 10. When assistance to begin. The assistance under this act, if allowed, shall commence on the 1st day of the calendar month following that on which the application was approved by the commission; provided, however, that no assistance shall be allowed for any time prior to July 1st, 1937. The commission shall issue to each applicant to whom assistance is allowed a certificate for a period as the commission shall determine,

stating the amount of each monthly installment, and on written order of the commission, the treasurer of state shall issue and forward check in payment of each installment.'

'Sec. 11. Lien on estate. (a) The amount paid as assistance to any aged person under this act shall be a lien on the estate of the recipient which, upon his death, shall be enforced by the commission in the name of the state, and $\frac{1}{2}$ of the net amount realized from such lien shall be paid forthwith to the federal government, $\frac{1}{4}$ to the state and $\frac{1}{4}$ to the city, town or plantation, provided that no such lien shall be enforced against any real estate while it is occupied as a home by the recipient's surviving spouse, if such spouse is not more than 15 years younger than the recipient, and does not marry again.

(b) Subject to the foregoing lien on the death of a recipient of assistance who shall have property of any kind, other than household furniture, personal wearing apparel or ornaments which are hereby exempted from the provisions of this subsection, the state shall have a preferred claim against personal estate for the amount of any assistance paid to him under the provisions of this act. $\frac{1}{2}$ of the net amount so recovered shall be paid promptly to the federal government; $\frac{1}{4}$ to the state and $\frac{1}{4}$ to the city, town or plantation. The amount, if any, paid for funeral expenses shall be a priority claim as now provided by law as to insolvent estates; $\frac{1}{2}$ of the net amount recovered for the funeral expenses shall be paid to the state and the remaining $\frac{1}{2}$ to the city, town or plantation.'

'Sec. 12. When applicant is incompetent. If the applicant for or recipient of assistance is, after investigation by the commission, found incapable of taking care of himself or his business affairs, the commission may direct the payment of the installment of the assistance to any responsible person or corporation for his benefit.'

'Sec. 13. Rights inalienable. All rights to old age assistance shall be inalienable by any assignment, transfer, attachments, trustee process, execution or otherwise, and, in the case of bankruptcy, the assistance shall not pass to or through any trustee or other persons acting on behalf of creditors.'

'Sec. 14. Funeral expenses. No person receiving assistance under this act shall at the same time receive any other assistance from the state, or from any political subdivision thereof, except for medical and surgical aid or hospitalization. On the death of a recipient of old age assistance, reasonable funeral expenses for burial shall be allowed and paid by the

commission; provided, however, that such expenses do not exceed \$150, and the estate of the deceased is insufficient to defray the same.'

'Sec. 15. Special investigation may be made. If at any time the commission has reason to believe that assistance has been improperly obtained, it shall cause a special investigation to be made, and may suspend payment of assistance pending the investigation. If on investigation it appears that the assistance was improperly obtained, the commission shall cancel the same; and the amount of the assistance in excess of the lawful amount with interest at the rate of 5% per annum shall be recoverable by an action at law in the name of the state, and the person so improperly having obtained the assistance shall not be eligible to make another application for assistance within a period of 1 year next thereafter; and if it appears that the assistance was properly obtained, the suspended assistance shall be payable in due course.'

'Sec. 16. Upon imprisonment assistance to be suspended. If any person receiving assistance under this act is convicted of any crime or offense and punished by imprisonment for 1 month or longer, it shall be the duty of the court imposing the sentence to make report thereof forthwith to the commission, and during the time of such imprisonment the person so imprisoned shall not be entitled to receive old age assistance and payments thereof shall be suspended for that period. If the person so imprisoned is married and living with his spouse, and if the spouse is eligible to receive assistance under this act, the commission shall award assistance to such spouse during the period of such suspension in accordance with the provisions of this act.'

'Sec. 17. Proceedings when misrepresentation. Any person who by means of a wilfully false statement or misrepresentation or by impersonation, or other fraudulent device obtains or attempts to obtain, or aids or abets any person to obtain assistance to which he is not entitled, or a larger amount of assistance than that to which he is justly entitled under this act; or any person who disposes of property for the purpose or with the intent of obtaining assistance to which he is not entitled, or a larger amount of assistance than that to which he is entitled; or any person who knowingly buys or aids or abets in buying, or anyone disposing of, the property of a person receiving assistance, without the consent of the commission, shall be punished as hereinafter provided.'

'Sec. 18. Assistance subject to amendment or repeal. Every assistance granted under the provisions of this act shall be deemed to be granted and shall be held subject to the provisions of any amendment or repealing

act that may thereafter be passed, and no recipient under this act shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing act.'

'Sec. 19. Commission to have supervision. The commission shall have general supervision over administration of the provisions of this chapter to the end that aged persons may receive suitable and dignified maintenance and care, that uniformity of treatment for the aged may prevail throughout the state, and shall prescribe appropriate forms for applications, reports and other proceedings required by this act. For these purposes the commission may investigate recipients of old age assistance and shall keep on file all reports made to it by municipal old age assistance boards. The commission shall make an annual report of the work and money spent under this act, including a tabulation of assistance received from the municipal old age assistance boards.'

'Sec. 20. Reports. To obtain the benefits of any act passed by congress, the commission shall submit to such agency of the government as may be named in such act at such time and upon such forms as may be required the following:

'(a) An annual statement of the amount of the appropriation made by the state for its current or ensuing fiscal year for the purpose of carrying out the state plan, stating how much of such appropriation is for the actual payments of old age assistance and how much for the payment of the expenses of administration;

'(b) An annual estimate of the sum which must be contributed by the political subdivisions of the state during such year for the purpose of carrying out the state plan, estimating how much of the sum is for payment of such old age assistance and how much for the payment of the expenses of administration; and as soon as possible thereafter, a statement of the exact sums thus contributed;

'(c) At least once in every 3 months, a statement of the amount, actually paid, as old age assistance, to each person 65 years of age or over, and the amount actually expended for the purpose of administration;

'(d) An annual statement of the amount collected, if any, from the estate of any assisted aged person, for which the state may be accountable to the United States; and

'(e) An annual statement of the exact amount, if any, of any allotment made under this act to this state remaining unexpended at the close of the year for which such allotment was made.'

'Sec. 21. Reduction. If at any time, the amounts received or to be received by this state from the United States for old age assistance shall

be less than \$15 per month for each person entitled to the full monthly compensation of \$30 per month under this act, or shall be less than a like proportion of the amount of assistance to which those receiving less than the full allowance of \$30 may be entitled, then the amount of the payment which the applicant would otherwise receive shall be reduced to the extent of such reduction in assistance from the United States.'

'Sec. 22. State to be reimbursed. Each person entitled to old age assistance shall receive from the state treasury an amount not to exceed \$30 a month, when the application is duly approved by the commission, subject to the provision herein contained. Such sum shall be paid out of the appropriation hereinafter made; provided, however, that the state shall be reimbursed $\frac{1}{2}$ of each award, not to exceed \$15 a month from the federal government.'

'Sec. 23. Commission to recover from municipalities. The commission shall recover from the city, town or plantation, $\frac{1}{2}$ of the state's share of the amount expended for old age assistance and funeral expenses by it for residents of said city, town or plantation, whenever it appears that a city, town or plantation is delinquent in making reimbursement to the commission the amounts due shall be collected by the treasurer of state in the same manner and subject to the same penalties as state taxes. Any balance due shall be assessed in the succeeding year and in the same manner as state taxes.'

'Sec. 24. Liberal construction. Nothing in this act shall be construed as repealing any other act or part of any act providing for the support of the poor insofar as inconsistent therewith, and the provisions of this act shall be construed liberally and as an additional method of supporting and providing for aged and deserving persons.'

'Sec. 25. Penalty. Any person who violates any of the provisions of this act 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 the recipient of assistance is convicted of an offense under this act, the commission shall cancel the assistance for a period of 1 year next preceding the date of conviction.'

'Sec. 26. Appropriation. The sum of \$1,300,000 annually is hereby appropriated for a period of 2 years beginning July 1, 1937, for the purpose of carrying out the provisions of this act, subject to the provisions of section 21.'

'Sec. 27. Saving clause. The constitutionality of any section or provision of this act shall not invalidate the remainder of the act.'