

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

Legislative Document

No. 617

S. P. 361

In Senate, February 16, 1937.

Referred to the Committee on Pensions and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Friend of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Provide for Aid to the Blind.

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

Sec. 1. Administration. The department of health and welfare shall administer all funds appropriated for the purposes of this act. It shall make such rules and regulations with respect to the administration of the act as it deems advisable.

Sec. 2. Definitions. (a) The word "department" wherever hereafter used shall be construed to mean the department of health and welfare;

(b) The word "aid" means money payments to blind persons in need;

(c) The words "supplementary services" mean services other than money payments to blind persons in need, including payments toward the funeral expenses of such persons as provided in this act.

Sec. 3. Requisites for aid. Aid to the blind shall be granted to an applicant who

(a) Has no vision or whose vision, with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

(b) Is over 16 years of age;

(c) Has resided in the state for 5 or more years within the 9 years immediately preceding application for aid and has resided therein continuously for one year immediately preceding the application;

(d) Is not an inmate of any public institution; but an inmate of such an institution may file application for aid 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 not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health and has no relatives liable by law for his support and able to provide such support;

(f) Is not receiving old age assistance.

Sec. 4. Application for aid. Application for aid under this act shall be made to the department. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the department. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which he may have at the time of the filing of the application, and such other information as may be required by the department.

Sec. 5. Investigation of applications. Whenever the department receives an application for aid under this act, an investigation and record shall promptly be made of the circumstances of the applicant in order to ascertain the facts supporting the application.

Sec. 6. Amount of aid. The amount of aid 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 aid 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 or supplementary services may be granted in the case of blind persons who are ill or incapacitated as may be necessary to provide for the applicant adequate and decent maintenance and care. No person receiving aid under this act shall be deemed a pauper.

Sec. 7. Examination. Applicants for aid under this act shall be examined by an ophthalmologist or a physician skilled in diseases of the eye; the expense of which may be paid by the state.

Sec. 8. Granting of aid. Upon the completion of the investigation, the department shall decide whether or not the applicant is eligible for aid

under the provisions of this act, and determine the amount of such aid if any is allowed, and the date on which it shall begin. The department shall notify the applicant of its decision. Aid granted, if any, shall be paid monthly to the applicant.

Sec. 9. Aid may be paid to a guardian. When a person to whom aid is granted under this act is a minor or is found to be incapable of taking care of himself or his money, the aid may be paid to a guardian for the benefit of the applicant.

Sec. 10. Funeral expenses of person aided. 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. 11. Right of appeal. Any blind person who is denied aid or who is not satisfied with the amount of aid 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 reasonable notice and 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 after the date of the hearing; provided, that when the evidence in the case is heard by a person other than the commissioner, the decision shall be rendered in the name of the commissioner.

Sec. 12. Periodic reconsideration and changes in amount of aid. All grants made under this act shall be reconsidered by the department as frequently as it may deem necessary. After such further investigation as the department may deem necessary, the amount of aid may be changed or aid may be entirely withdrawn if the department finds that the recipient's circumstances have changed sufficiently to warrant such action.

Sec. 13. Expenses for treatment. On the basis of the findings of the examination as provided in section 7 of this act, supplementary services may be provided by the department to any applicant or recipient who is in need of treatment either to prevent blindness or to restore his eyesight, whether or not he is blind as defined in section 3 of this act if he is otherwise qualified for aid under this act. The supplementary services may include necessary traveling and other expenses to receive medical, surgical, clinical or hospital treatment as may be approved by the department, or to pay for such treatment.

Sec. 14. Change of circumstances. If at any time during the continuance of aid the recipient thereof becomes possessed of any property or income in excess of the amount stated in the application provided for in section 4 of this act, it shall be the duty of the recipient immediately to notify the department of the receipt or possession of such property or income and the department may, after investigation, either cancel the aid or change the amount thereof in accordance with the circumstances.

Sec. 15. Acceptance of provisions of federal law. The department is hereby authorized and directed to

(a) Apply for federal aid under the provisions of Title X of the Federal Social Security Act (Public No. 271, 74th Congress); and to comply with such conditions as may be required for such aid;

(b) Cooperate with the federal government in matters of mutual concern pertaining to aid to the needy blind, including the adoption of such methods of administration as are found by the federal government to be necessary for the efficient operation of the plan for such aid.

(c) Make such reports, in such form and containing such information, as the federal government may from time to time require and comply with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of such reports;

(d) Promulgate rules and regulations stating, in terms of ophthalmic measurements, the amount of visual acuity which an applicant may have and still be eligible for aid under this act.

Sec. 16. State appropriations. The Legislature shall appropriate from time to time adequate funds to carry out the purposes of this act.

Sec. 17. Federal grants. The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of aid to the blind and administration thereof, as contemplated by Title X of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department of health and welfare.

Sec. 18. P. L., 1933, sections 218-226 inclusive of chapter 1 repealed. Sections 218-226 of chapter 1 of the public laws of 1933 are hereby repealed.