

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. 794

H. P. 1656

House of Representatives, February 26, 1937.

Reported by Mr. Philbrick from Committee on Judiciary and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

Presented by Mrs. Currier of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Provide for Aid to Dependent Children.

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

Sec. 1. Definitions. (a) The word "department" wherever used in this act shall be construed to mean the department of health and welfare;

(b) The term "dependent child" wherever used in this act shall be construed to mean a child under the age of 16 who has been deprived of parental support or care by reason of the death, continued absence from home, or the physical or mental incapacity of a parent and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt in a place of residence maintained by 1 or more of such relatives as his or their own home;

(c) The word "parent" shall include any relatives described in the paragraph of this section defining "dependent child" in respect to dependent children in his or her custody;

(d) The word "aid" means money payments with respect to a dependent child or children made to the parent with whom the child is living.

Sec. 2. Eligibility for aid to dependent children. Aid shall be granted under this act to any dependent child who is living in a suitable family

home meeting the standards of care and health fixed by the laws of this state and the rules and regulations of the department thereunder. No person receiving aid under this act shall be considered a pauper. During the period that a dependent child is receiving aid under this act, if such child is living with either its mother or its father, such mother or father shall not acquire or lose a settlement or be in process of acquiring or losing a settlement. The provisions of this act shall apply to any dependent child who has resided in the state for 1 year immediately preceding the application for such aid; or who was born within the state within 1 year immediately preceding the application, and whose mother has resided in the state 1 year immediately preceding the birth of the child.

Sec. 3. Municipal boards. In each city, town, and plantation there shall be a municipal board of child welfare, hereinafter referred to as the municipal board, to consist of the overseers or board of overseers of the poor ex officio, unless the city by ordinance or the town or plantation by vote upon warrant shall provide for a special board of not fewer than 3 persons, 1 of whom at least shall be a woman, appointed or elected for 3-year terms, 1 term expiring each year, to serve as such municipal board. The members of such municipal board shall serve without compensation as such. In addition to the duties prescribed by this act, the municipal boards of child welfare shall perform all the duties and assume all the functions heretofore imposed upon municipal boards of children's guardians. Existing municipal boards of mothers aid and children's guardians are hereby constituted municipal boards of child welfare and shall serve as such from the effective date of this act until their successors have been elected or appointed.

Sec. 4. Application. Application for aid under this act shall be made to the municipal board on forms provided for this purpose by the department. Such applications shall be made by the parent having custody of the dependent child and shall contain such information as may be required by the department. The municipal board shall file promptly such application with its recommendation with the department, which shall then make such investigation of the case as may be necessary to determine the eligibility of the applicant for the aid desired. If the municipal board should not perform the duties above required of it within a reasonable time, application may be made direct to the department.

Sec. 5. Amount of aid. The department shall confer with the municipal board in deciding all matters in question. If, after said conference the department decides that the applicant is entitled to aid, it shall then determine

the character and amount. The amount of aid which shall be granted for any dependent child shall be determined with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

Sec. 6. To be administered by department of health and welfare. 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 this act as it deems advisable. It may grant prompt and suitable temporary aid to any dependent child when in its opinion such aid is immediately necessary. Any monies heretofore or hereafter appropriated or allocated for mothers aid or aid to dependent children are hereby made available for the purposes of this act. Nothing in this act shall be construed as authorizing any public official, agent or representative, in carrying out any provision of this chapter, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

Sec. 7. Right of appeal. Any person who is denied aid or who is not satisfied with the amount of aid allotted to him by the department, or any municipality which is dissatisfied with 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. 8. Acceptance of provisions of federal law. The department is hereby authorized and directed to

(a) Apply for federal aid under the provisions of Title IV 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 dependent children, 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.

Sec. 9. Towns to be assessed. The state shall recover from the town in which the child so aided has legal settlement, $\frac{1}{2}$ of the amount expended by the state for aid to each dependent child after deducting any sum available from federal funds for such child or family, which shall be credited to the regular legislative appropriation for aid to dependent children. Whenever it appears that a city or town is delinquent in making reimbursements to the state, the amounts shall be collected by the state in the same manner and subject to the same penalties as state taxes. Any balance due shall be assessed in the succeeding year in the same manner as other state taxes.

Sec. 10. Federal grants. The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants on account of aid to dependent children and administration thereof, as contemplated by Title IV of the Federal Social Security Act, and the state controller shall authorize expenditures therefrom as approved by the department of health and welfare.

Sec. 11. Repeal of existing laws. Sections 190 to 200 inclusive, of chapter 1 of the public laws of 1933 are hereby repealed.