

MAINE STATE LEGISLATURE

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

Legislative Document

No. 663

S. P. 246

In Senate, February 11, 1947.

Referred to Committee on Welfare. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Williams of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Relieving Towns from Care of Neglected and Dependent
Children.**

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

Sec. 1. R. S., c. 22, §§ 226-235, repealed and replaced. Sections 226 to 235, inclusive, of chapter 22 of the revised statutes are hereby repealed and the following sections to be numbered 226 to 234, inclusive, are enacted in place thereof:

Sec. 226. Definitions.

I. The word "department" wherever used in sections 226 to 234, inclusive, shall be construed to mean the department of health and welfare;

II. The word "aid" means money payments with respect to a dependent child or children made to the parent or other relative with whom the child is living.

Sec. 227. Requisites for aid. Aid to dependent children shall be granted under the provisions of sections 226 to 234, inclusive, with respect to any child who:

I. Is a needy child under the age of 16, or under the age of 18 if found by the department to be regularly attending school;

II. 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;

III. Is living with his father, mother, grandfather, grandmother, brother, sister, step-father, step-mother, step-brother, step-sister, uncle or aunt in a place of residence maintained by one or more of such relatives as his or their own home;

IV. 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, if its mother has resided in the state for 1 year immediately preceding the birth of the child.

Sec. 228. Recipients of ADC not to be pauperized. No person receiving aid under the provisions of sections 226 to 234, inclusive, shall be considered a pauper. During the period that a dependent child is receiving aid under the provisions of said sections, 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 the process of acquiring or losing a settlement.

Sec. 229. Application. Application for aid under the provisions of sections 226 to 234, inclusive, shall be made to the department on forms provided for this purpose by the department. Such applications shall be made by the parent or other relative with whom the child is living and shall contain such information as may be required by the department.

Sec. 230. Amount of aid. The amount of aid which shall be granted for any dependent child 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 resources available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

Sec. 231. Department of health and welfare to administer funds. The department of health and welfare shall administer all funds appropriated for the purposes of sections 226 to 234, inclusive. It shall make such rules and regulations with respect to the administration of said sections 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. Nothing in sections 226 to 234, inclusive, shall be construed as authorizing any public official, agent or representative, in carrying out any provisions 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. 232. 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 who is dissatisfied with a decision of the department made under any provision of sections 226 to 234, inclusive, 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. 233. Acceptance of provisions of federal law. The department is hereby authorized to:

I. Apply for federal aid under the provisions of Title IV of the Federal Social Security Act (Public No. 271, 74th Congress) and acts additional thereto or amendatory thereof;

II. Cooperate with the federal government in matters of mutual concern pertaining to aid to dependent children, including the provision of such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. 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. 234. 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 acts additional thereto or amendatory thereof, and the state controller shall authorize expenditures therefrom as approved by the department of health and welfare.

Sec. 2. R. S., c. 22, § 240, amended. The 3rd sentence of section 240 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Bills itemizing the expense of maintenance and education of children committed under the provisions of sections 236 to 247, inclusive, when ap-

proved by the department, shall be paid by the state, as provided by law ~~which shall recover from the town of settlement, if any, of any such child, 2/3 of any such payments on account of said child.~~