

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 206

S. P. 156

In Senate, January 27, 1949.

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-NINE

AN ACT Relating to Aid to 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 R. S., c. 22, §§ 226-235, repealed and replaced.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 229, inclusive; section 229-A, as enacted by section 1 of chapter 370 of the public laws of 1947; section 230, as amended by section 2 of chapter 370 of the public laws of 1947; and sections 231 to 235, inclusive, of the revised statutes are hereby repealed and the following enacted in place thereof:

Sec. 226. Definitions. The word "aid" means money payments with respect to a dependent child or children made to the 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 235, 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 any relative except a cousin, nephew or niece, 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. Recipient or the relative with whom the child is living not to be pauperized. The receipt of aid to dependent children shall not pauperize the recipient or the relative with whom the child is living and the receipt of general relief by such recipient or relative with whom the child is living shall not be considered to be pauper support. General relief expenses incurred by any municipality or by the state in behalf of such recipient or relative with whom the child is living, may be paid from funds made available for the relief of the poor, but shall in no other respect be treated as pauper expense. The town of settlement, or the state in non-settled cases, shall reimburse the place of residence for such general relief in the same manner as is provided by sections 24 and 28 of chapter 82.

Sec. 229. Application. Application for aid under the provisions of sections 226 to 235, inclusive, shall be made to the department on forms provided for this purpose by the department. Such applications shall be made by the 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 with due regard to the resources and necessary expenditures of the family on a budgetary basis and in accordance with the rules and regulations of the department 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, but not exceeding \$50 per month for such dependent child, or, if there is more than one such child in one family, then not exceeding \$50 per month for the 1st such child, \$25 per month for the 2nd such child and \$20 per month for each additional such child, plus such sums as may be necessary for extraordinary dental, surgical and medical expenses. Payments shall be made semimonthly.

Sec. 231. Payment to guardian or conservator. If the relative with whom a dependent child is living is found by the department to be incapable of handling money for the best interests of the dependent child, the

department may pay the same to a legally-appointed guardian or conservator of such relative for the benefit of said dependent child.

Sec. 232. 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 235, inclusive. 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 235, 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. 233. 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 235, inclusive, shall have the right of appeal to the commissioner, 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. 234. Acceptance of provisions of federal law. The department is authorized to:

- I. Apply for federal aid under the provisions of Title IV of the federal social security act, (public No. 271, 74th congress);
- 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. 235. 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.'

Sec. 2. Effective date. The provisions of this act shall become effective on October 1, 1949.