

MAINE STATE LEGISLATURE

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

Legislative Document

No. 80

S. P. 77

In Senate, January 18, 1951

Referred to the Committee on Welfare, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Fuller of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to Old Age Assistance.

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

Sec. 1. R. S., c. 22, § 256-A, additional. Chapter 22 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 256-A, to read as follows:

'Sec. 256-A. Definition. The words "old age assistance" mean money payments to, or medical care in behalf of or any type of remedial care in behalf of, needy individuals who are 65 years of age or older, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution, except as a patient in a medical institution, or any individual who is a patient in an institution for tuberculosis or mental disease, or who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof.'

Sec. 2. R. S., c. 22, § 261, sub-§ IV, amended. Subsection IV of section 261 of chapter 22 of the revised statutes is hereby amended to read as follows:

'IV. ~~Is not an inmate of and is not being maintained by any municipal, state, or national institution~~ Is not an inmate of any public institution, except as a patient in a medical institution as provided in section 256-

A; but an inmate of such an institution may file application for assistance under the provisions of sections 256 to 274, inclusive, and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution;'

Sec. 3. R. S., c. 22, § 262, amended. The 1st sentence of section 262 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Any person who is denied assistance, or who is not satisfied with the amount of assistance allotted to him, or is aggrieved by a decision of the department made under the provisions of sections 256 to 274, inclusive, **or whose application is not acted upon with reasonable promptness**, shall have the right of appeal to the commissioner, who shall provide the appellant with reasonable notice and opportunity for a fair hearing.'

Sec. 4. R. S., c. 22, § 268, amended. Section 268 of chapter 22 of the revised statutes is hereby amended to read as follows:

'**Sec. 268. Payment illegally received may be recovered.** The department may recover from any child, children or spouse of any beneficiary under the provisions of sections 256 to 274, inclusive, who is able to support the said beneficiary, but who fails to provide such support, in an action on the case for the amount expended by the department for the said support. **The department may also recover the amount expended for aid in an action on the case from a recipient or a former recipient who has failed to disclose assets which would have rendered him ineligible had he disclosed the assets.** ~~This action~~ Such actions shall be prosecuted by the attorney general in the name of the state, and the amount recovered shall be credited to the old age assistance fund.'

Sec. 5. R. S., c. 22, § 269-A, amended. Section 269-A of chapter 22 of the revised statutes, as enacted by section 1 of chapter 122 of the public laws of 1945, is hereby amended to read as follows:

'**Sec. 269-A. Payment of certain obligations of deceased recipients of old age assistance.** When for any reason whatsoever a recipient of old age assistance is unable to properly indorse the check for the last payment approved for him prior to his death **or commitment to an institution** the department may approve payment by the state of obligations incurred by the recipient for board or medical or nursing services in anticipation of the receipt of such check but not in excess of the amount of the check; provided that any claim which may be paid under the foregoing must be presented to the department in writing within 60 days of the date of the death **or commitment** of the recipient.'