

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. 103

H. P. 172

House of Representatives, January 18, 1951

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

HARVEY R. PEASE, Clerk

Presented by Mr. Clements of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to Aid to the Blind.

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

Sec. 1. R. S., c. 22, § 275, sub-§ I, repealed and replaced. Subsection I of section 275 of chapter 22 of the revised statutes is hereby repealed and the following enacted in place thereof:

'I. The words "aid to the blind" mean money payments to, or medical care in behalf of or any type of remedial care in behalf of, blind individuals who are needy, 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 diseases, 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, § 276, sub-§§ IV, V, VI, amended. Subsection IV, subsection V as amended by chapter 348 of the public laws of 1949, and subsection VI of section 276 of chapter 22 of the revised statutes are hereby amended to read as follows:

'IV. Is not an inmate of any public institution, except as a patient in a medical institution as provided in section 275; but an inmate of such an

institution may file application for aid under the provisions of sections 275 to 293, inclusive, and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution;'

'V. 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 residing in this state. Effective July 1, 1952 the first \$50 per month of earned income shall be disregarded;'

'VI. Is not receiving old age assistance, aid to the disabled, or aid to dependent children;'

Sec. 3. R. S., c. 22, § 276, sub-§ VII, additional. Section 276 of chapter 22 of the revised statutes is hereby amended by adding thereto a new subsection to be numbered VII, to read as follows:

'VII. Has no spouse, parents, adult child or children residing in this state and able to support him.'

Sec. 4. R. S., c. 22, § 278-A, additional. Chapter 22 of the revised statutes is hereby amended by adding thereto a new section to be numbered 278-A, to read as follows:

'Sec. 278-A. Amount of aid. The amount of aid which any person may 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 \$50 per month, except that effective July 1, 1952 the first \$50 per month of earned income shall be disregarded in making a budget. All aid granted under the provisions of sections 275 to 293, inclusive, shall be paid monthly by the state.'

Sec. 5. R. S., c. 22, § 279, repealed and replaced. Section 279 of chapter 22 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 279. Application procedure. Applications for aid to the blind shall be made to the department on forms provided by the department. The application shall be sworn to by the applicant and shall give full information revealing the income, assets and liabilities of the applicant, together with such other information as the department may require.'

An application shall not be considered unless accompanied by an individual sworn statement made on the part of the spouse, parents and each adult of said applicant residing in this state, and such statements shall include full information revealing individual income, assets and liabilities, provided that if such applicant has previously applied and there are on file with the department any of the necessary sworn statements then the applicant need only furnish such additional sworn statements as the department may require.

If the applicant is unable to obtain the sworn statement from such spouse, parents or child as above provided, then upon proof of his inability to do so the department shall determine whether such inability to do so is reasonable, and if it decides that it is reasonable, then the merits of his application may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the applicant under the provisions of section 283.'

Sec. 6. R. S., c. 22, § 280, repealed and replaced. Section 280 of chapter 22 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 280. Disqualification of applicant and recipient. Any recipient of aid to the blind shall be disqualified from receiving aid to the blind unless he files with the department whenever the department may require it the following information:

- I. A sworn statement concerning income, assets and liabilities of the recipient sworn to by the recipient;
- II. An individual sworn statement made on the part of the spouse, parents and each adult child, of said recipient residing in this state, and such statements shall include full information regarding individual income, assets and liabilities.

Provided, however, if the recipient is unable to obtain the sworn statement from such spouse, parents or child as above provided, then upon proof of his inability to do so, the department shall determine whether such inability to do so is reasonable and if it decides that it is reasonable then the merits of his case may be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the recipient under the provisions of section 283.'

Sec. 7. R. S., c. 22, § 281, amended. Section 281 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 281. Examination. Applicants for aid under the provisions of sections 275 to 293, inclusive, shall be examined by an ophthalmologist, or a physician skilled in diseases of the eye; ~~the or, effective July 1, 1952, an optometrist, approved or designated by the department.~~ **The expense of which the examination** may be paid by the state. The department is authorized to 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 the provisions of said sections.'

Sec. 8. R. S., c. 22, § 283, amended. The 1st sentence of section 283 of chapter 22 of the revised statutes is hereby amended to read as follows:

'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 sections 275 to 293, inclusive, **or whose application for aid to the blind 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. 9. R. S., c. 22, § 284, repealed and replaced. Section 284 of chapter 22 of the revised statutes, as amended by chapter 353 of the public laws of 1947 and by section 2 of chapter 335 of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'Sec. 284. Payments illegally received may be recovered. The department may recover from any adult child or children, spouse or parents of any beneficiary under the provisions of sections 275 to 293, 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. Such actions shall be prosecuted by the attorney general in the name of the state, and the amount recovered shall be credited to the aid to the blind fund.'

Sec. 10. R. S., c. 22, § 285, repealed. Section 285 of chapter 22 of the revised statutes, as amended by section 3 of chapter 251 of the public laws of 1945 and by section 2 of chapter 1 of the public laws of 1949, is hereby repealed.

Sec. 11. R. S., c. 22, § 288, amended. Section 288 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 288. Disqualification of applicant. Any applicant for aid to the

blind who divests himself directly or indirectly of any property **without reasonable consideration** or for the purpose of qualifying for such aid shall forfeit all right to receive aid to the blind under the provisions of sections 275 to 293, inclusive.'

Sec. 12. R. S., c. 22, § 289, repealed and replaced. Section 289 of chapter 22 of the revised statutes is hereby repealed and the following enacted in place thereof:

'**Sec. 289. Claims against estate of person assisted.** Upon the death of a beneficiary, occurring after the effective date of this act, the state shall have a claim against his estate, enforceable in the probate court, for all amounts paid to him under the provisions of sections 275 to 293, inclusive. Such claims shall have priority over all unsecured claims against such estate, except:

- I. Administrative expenses, including probate fees and taxes;
- II. Expenses of the last sickness and burial expenses.

The attorney general shall collect any claim which the state may have hereunder against such estate. Provided that no such claim shall be enforced against any real estate while it is occupied as a home by the surviving spouse of the beneficiary and said spouse does not marry again. If the state participates in federal funds for the purposes of sections 275 to 293, inclusive, a sum equal to the pro rata share to which the United States is equitably entitled of the net amount collected from the estate of the beneficiary, with respect to aid to the blind furnished him, shall be promptly paid by the treasurer of state to the United States as required by the laws of the United States.'

Sec. 13. R. S., c. 22, § 290, amended. Section 290 of chapter 22 of the revised statutes is hereby amended to read as follows:

'**Sec. 290. Changes 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 279~~ last disclosed to the department 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. 14. R. S., c. 22, § 291-A, amended. Section 291-A of chapter

22 of the revised statutes, as enacted by section 2 of chapter 122 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 291-A. Payment of certain obligations of deceased recipients of aid to the blind. When for any reason whatsoever a recipient of aid to the blind 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.'