

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 856**

H. P. 1298

House of Representatives, February 22, 1951

Referred to the Committee on Appropriations and Financial Affairs.  
Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Woodworth of Fairfield.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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**AN ACT to Provide a Plan for the Administration of Certain Welfare  
Funds.**

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

**Sec. 1. R. S., c. 22, § § 295-306, additional.** Chapter 22 of the revised statutes, as amended, is hereby further amended by adding thereto 12 new sections to be numbered 295 to 306, inclusive, to read as follows:

**'Sec. 295. Purpose defined. Mindful of the growing shortage of manpower, the need for conserving materials and resources, and the desirability of closer supervision over recipients of public assistance funds, the plan herein set forth is resigned to replace the plan under which the department of health and welfare is now administering funds contributed jointly by the state and federal governments, under the provisions of the social security act. The plan herein proposed is intended to cover the administration of old age assistance, aid to the blind, aid to dependent children, services to crippled children, and all other services performed by the department, for which it has been hitherto authorized by the legislature to seek federal assistance under the provisions of the social security act, as well as for similar services which may hereafter be performed on like legislative authority.**

Sec. 296. Scope of the plan. The plan shall be in effect in all political subdivisions of the state, and shall be mandatory upon them.

Sec. 297. Funds. The legislature shall provide such funds for the effective operation of the plan as it shall deem sufficient.

Sec. 298. State organization. The administration of the plan shall be supervised by the department of health and welfare and the commissioner of said department. The municipal boards of the several cities, towns and plantations of the state shall be the agents of said department and of said commissioner in the work of administering the plan. Specifically, said municipal agents shall receive all applications for assistance made by residents of their respective municipalities, or by residents of any adjoining unorganized territory, or any unorganized territory within the same county; investigate the same; render their judgment on the merits thereof; make a fair report of their findings, and of their judgment thereon to the commissioner, together with a copy of the application, and all applicants and papers required by law to be executed by the applicant in the proper presentation of his application. The municipal agents shall render their decision either to allow or disallow an application, and make their recommendation as to the amount of money to be granted. A decision by the municipal agents allowing the claim shall be accepted by the commissioner if supported by satisfactory evidence; if not so supported, the commissioner may in his discretion call for additional evidence, or dismiss the application. The commissioner shall have full discretion as to the amount of money to be paid. The recommendation may be followed or not. If the application is dismissed by the municipal agents, the applicant may appeal to the commissioner, as hereinafter set forth. The municipal agents shall also exercise oversight over all dependent children and neglected children resident in their respective communities, to whom the department stands in loco parentis. The municipal agents shall inspect the premises of all applicants for licenses to maintain homes for state wards within their respective communities, and shall see that all provisions of law respecting such homes are complied with. Said municipal agents shall at all times keep themselves informed of their responsibilities to persons within the scope of the plan and resident within their respective municipalities, and fully perform all duties imposed by the plan. The offices customarily used by municipal boards in their respective cities, towns or plantations shall be considered local offices of the department for the purposes of the plan, and the department shall maintain no other offices except at Augusta.

Sec. 299. Appeal. Any applicant aggrieved by the decision of the

municipal board shall have the right to appeal from said decision to the commissioner of health and welfare, and the commissioner shall hear the same. The commissioner may confirm the decision, modify the same, reverse the same or recommit the same; and in all cases of appeal the decision of the commissioner shall be final. A deputy commissioner duly appointed may hear the appeal in the absence or disability of the commissioner.

Sec. 300. Administration. Municipal agents shall keep true and complete records of all applications made to them and of the disposition thereof, and shall transmit to the commissioner copies of the same, attested by a member of the board; and in case any person within the municipality is receiving assistance or services, whose application was not considered by the board, the commissioner shall render to the board full information about the case. All personnel employed by the commissioner, and by the municipal boards, for the performance of duties prescribed by this plan, or by law, shall be employed on a merit basis.

Sec. 301. Cooperation with federal government. The commissioner is hereby directed and required to render to the federal administrator such reports, and render to the said administrator such information as will keep said administrator fully informed as to the manner in which the program and plan are being fulfilled.

Sec. 302. Income and resources of applicant to be considered. No assistance shall be granted to any individual unless the municipal agents shall have made careful inquiry into the financial circumstances and resources of the applicant, and shall have found the applicant to be in need of the assistance sought.

Sec. 303. Records to be secret. The commissioner and his municipal agents, and their employees are forbidden to use or disclose information concerning applicants and recipients for any other purposes except those connected with the administration of the aid or assistance applied for or received.

Sec. 304. Administrative rules. The following rules shall be observed in the case of applicants for old age assistance: The applicant must be 65 years of age, and a citizen who has lived in this state at least 5 of the preceding 9 years, and at least 1 year immediately preceding the filing of the application.

In case of an applicant for aid to dependent children, the child must have lived within the state at least 1 year preceding the application, or if

born within the year, the child's mother must have lived within the state for 1 year immediately preceding the birth of the child.

In the case of an application for aid to the blind, applicant shall be a citizen who shall have lived within the state at least 1 year prior to the application.

**Sec. 305. Additional duties of municipal agents.** Municipal agents shall exercise constant oversight on expenditures of funds granted under this plan to persons within their respective municipalities, or to persons resident in unorganized territory whose applications have been made through their offices, and shall promptly investigate any changes in the circumstances of recipients, and reconsider former judgments, and revoke or modify the same if circumstances should warrant such action. Said municipal agents may cause payments to be suspended at any time, provided that recipient within 7 days thereafter is given opportunity to show cause why payments should not be suspended. The commissioner, on notice from any municipal board that any payments have been suspended, or any judgment has been revoked or modified, shall cause all payments to be stopped or varied until further notice has been received from such municipal agents, or until an appeal shall have been taken and allowed, wholly or in part. The commissioner shall provide printed forms for all applications, affidavits and reports now required or which may hereafter be required for the effective administration of the provisions of sections 242 to 260, inclusive.

**Sec. 306. Submission of plan.** The commissioner of health and welfare is directed and required to submit to the social security administration the plan of administration herein set forth, and is authorized to amplify the proposal in any way not inconsistent with this chapter, for the purpose of completing an agreement for federal assistance under the provisions of the social security act. It is particularly the intent of the legislature that nothing in this chapter shall destroy or diminish any substantive right of any person now receiving or entitled to assistance under the laws of this state, or under the provisions of the social security act; and the purpose of sections 242 to 260, inclusive, is only to change the method of administration.'

**Sec. 2. Administrative changes ratified.** Any changes in the present administrative methods which shall have been effected by executive order prior to the effective date of this act, and which are consistent with the provisions of this act, are hereby ratified.

**Sec. 3. Repealing clause.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.