

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

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

Legislative Document

No. 28

H. P. 19

House of Representatives, January 14, 1959.

Referred to Committee on Welfare. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Rowe of Madawaska.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Repealing Relative Responsibility in Old Age Assistance,
Aid to the Blind and Aid to the Disabled.

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

Sec. 1. R. S., c. 25, § 283, sub-§ VI, repealed. Subsection VI of section 283 of chapter 25 of the Revised Statutes is repealed as follows:

'VI. ~~Has no child or children residing in this State and able to support him;~~

Sec. 2. R. S., c. 25, § 287, sub-§ II, amended. Subsection II of section 287 of chapter 25 of the Revised Statutes, as amended by section 1 of chapter 64 of the public laws of 1957, is further amended to read as follows:

'II. An individual sworn statement made on the part of each ~~adult child residing in this State~~ or spouse of said recipient and such statements shall include full information regarding individual income, assets and liabilities.'

Sec. 3. R. S., c. 25, § 287 amended. The first sentence of the last paragraph of section 287 of chapter 25 of the Revised Statutes as amended by section 1 of chapter 64 of the public laws of 1957, is further amended to read as follows:

'If the recipient is unable to obtain the sworn statement from ~~such child or~~ spouse, then upon proof of his inability to do so, the department shall determine whether such inability to do so is real and genuine, and if it decides that it is real and genuine, then the merits of his case may be considered.'

Sec. 4. R. S., c. 25, § 290, amended. The first sentence of section 290 of chapter 25 of the Revised Statutes is amended to read as follows:

'The department may recover from ~~any child children or~~ spouse of any beneficiary under the provision of sections 276 to 297, 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.'

Sec. 5. R. S., c. 25, § 294, amended. The first paragraph of section 294 of chapter 25 of the Revised Statutes is amended to read as follows:

The husband ~~or wife father mother grandparent child or grandchild~~ of a recipient of, or an applicant for, public assistance of any nature from the State shall, if of sufficient ability, be responsible for the support of such persons. In determining the ability of such ~~relative spouse,~~ his assets as well as his income shall be considered.'

Sec. 6. R. S., c. 25, § 299, sub-§ VII, amended. Subsection VII of section 299 of chapter 25 of the Revised Statutes is amended to read as follows:

'**VII.** Has no spouse ~~parents adult child or children~~ residing in this State and able to support him.'

Sec. 7. R. S., c. 25, § 304, sub-§ II, amended. Subsection II of section 304 of chapter 25 of the Revised Statutes is amended to read as follows:

'**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.'

Sec. 8. R. S., c. 25, § 304, amended. The first sentence of the last paragraph of section 304 of chapter 25 of the Revised Statutes is amended to read as follows:

'~~Provided however if~~ 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.'

Sec. 9. R. S., c. 25, § 308, amended. The first sentence of section 308 of chapter 25 of the Revised Statutes is amended to read as follows:

'The department may recover from ~~any adult child or children~~ spouse ~~or parents~~ of any beneficiary under ~~the provisions of~~ section 298 to 318, 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.'

Sec. 10. R. S., c. 25, § 319-E, amended. The 2nd and 3rd paragraphs of section 319-E of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows:

'An application shall not be considered unless accompanied by an individual sworn statement made on the part of the spouse ~~parents and each adult child~~ of said applicant residing in this State, and such statements shall include full

information revealing individual income, assets and liabilities ~~provided that if~~. 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 319-G.'

Sec. 11. R. S., c. 25, § 319-F, sub-§ V. Subsection V of section 319-F of chapter 25 of the Revised Statutes as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows :

'V. Has no spouse ~~parents adult child or children~~ residing in this State and able to support him ;'

Sec. 12. R. S., c. 25, § 319-K, sub-§ II, amended. Subsection II of section 319-K of chapter 25 of the Revised Statutes as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows :

'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 revealing individual income, assets and liabilities.'

Sec. 13. R. S., c. 25, § 319-K, amended. The first sentence of the last paragraph of section 319-K of chapter 25 of the Revised Statutes as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows :

~~'Provided however if~~ 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.'

Sec. 14. R. S., c. 25, § 319-M, amended. The first sentence of section 319-M of chapter 25 of the Revised Statutes as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows :

'The department may recover from ~~any adult child or children~~ the spouse ~~or parents~~ of any beneficiary under ~~the provisions of~~ sections 319-A to 319-T, 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.'