

MAINE STATE LEGISLATURE

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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. 296

H. P. 205

House of Representatives, January 29, 1959.

Referred to the Committee on Judiciary. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Frazier of Lee.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Interstate Compact on Welfare Services.

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

R. S., c. 25-A, additional. The Revised Statutes are amended by adding thereto a new chapter to be numbered 25-A, as follows:

Chapter 25-A.

Interstate Compact on Welfare Services.

Sec. 1. Compact. The Interstate Compact on Welfare Services is enacted into law and entered into by this State with any other jurisdiction or jurisdictions legally joining therein in the form substantially as follows:

Interstate Compact on Welfare Services.

Article I. Policy, purpose and scope.

The policy of the states party to this compact is to make welfare services available on a reciprocal basis under this compact and to eliminate barriers caused by restrictive residence or settlement requirements of the several states. However, it is recognized that law and policy relating generally to the provision of welfare services by a particular state should not be determined by interstate compact and will remain a matter for determination by that party state and its subdivisions. This compact shall be open for joinder by any state of the United States and the District of Columbia.

Article II. Definitions.

As used in this compact, the phrase "welfare service" shall mean and include:

- I. Old age assistance;
- II. Aid to the blind;
- III. Aid to dependent children;
- IV. Aid to the permanently and totally disabled;
- V. General assistance or home relief, by whatever name known, for persons not eligible under other assistance categories;
- VI. Child welfare services;
- VII. Care of unwed mothers;
- VIII. Welfare medical services for those in need; provided that no party state shall be obligated to provide a welfare service which is not made available generally by its laws.

Article III. Provision of service.

No person who has removed himself from one party state to another party state shall be ineligible for a welfare service in such other party state because of failure to meet that state's residence or settlement requirements for eligibility. The cost of providing a welfare service to any person made eligible therefor by reason of this compact shall be charged within the state in accordance with the laws of such state.

The appropriate official, department or agency of the State where application for a welfare service is made pursuant to this compact shall be entitled to request and receive any pertinent information available from any other party state with respect to such applicant.

Article IV. Supplementary agreements.

The duly constituted administrative authorities of any 2 or more party states may enter into supplementary agreements for the provision of any service or facility in the field of social welfare which may be in addition to those denominated as welfare services in this compact whenever the states concerned shall find that such agreements will improve social welfare, its services or facilities. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact; nor shall it authorize or require any party state to assume any obligation not otherwise authorized by law.

Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to the reciprocal provision of welfare services nor to invalidate any statutory authority for such agreements.

Article V. Compact administrator.

Each party state shall appoint a compact administrator who shall act as gen-

eral coordinator of activities under the compact in his state, and whose duty it shall be to cooperate with the compact administrators of other party states. The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out the terms and provisions of this compact.

Article VI. Enactment and withdrawal.

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect 6 months after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not effect the rights of any person who is receiving a welfare service pursuant to the provisions of this compact.

Withdrawal from any supplementary agreement made pursuant to Article IV shall be in accordance with the terms of such agreement.

Article VII. Construction.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be effected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Sec. 2. Administrator. The Commissioner of Health and Welfare is designated and directed to serve as administrator of the Interstate Compact on Welfare Services in accordance with Article V.

Sec. 3. Duties. Nothing in this chapter or in the compact enacted hereby shall be construed to transfer operation of or responsibility for performance of any function or service from or to any officer, agency or subdivision of or within this State, but the administrator of the compact shall serve as general coordinator of activities under the compact in this State and shall have all other powers conferred upon him by Article V of the compact to the end that this State may discharge effectively its obligations thereunder.

Sec. 4. Withdrawal. In the event that this chapter is repealed at a subsequent date, the Governor is directed thereupon promptly to communicate withdrawal notices to all other party states in accordance with the provisions of Article VI.'