

MAINE STATE LEGISLATURE

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CHAPTER 955

ELIGIBILITY AND RECEIPT OF AID

Sec.

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§ 3401. Application for aid

Applications for aid to the aged, blind or disabled shall be made to the department on forms provided by the department. Said applications shall contain such information as may be required by the department.

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 accessible. Such statements shall include full information regarding individual income, assets and liabilities. 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 child, parents or spouse, then upon proof of his inability to do so, the department shall obtain such statement or the required information from any available source and proceed to process the application. Any determination made under this section shall be subject to the right of appeal by the applicant under section 3411.

When the parent-child relationship between a parent and child was broken during the minority of the child and no significant relationship has ever been resumed, such person shall not be considered as a child of such parent in chapters 951 to 957.

1963, c. 433, § 2.

§ 3402. Eligibility

Aid to the aged, blind or disabled shall be granted only to any applicant who:

1. Qualifications. Meets the qualifications as defined in section 3301;

2. Income. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

3. Residence. Has resided in the State continuously for one year immediately preceding the application;

4. Inmate. Is not an inmate of any public institution, except as a patient in a medical institution as provided in section 3301; but an inmate of such an institution may file application for aid under chapters 951 to 957, and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution;

5. Spouse. Has no spouse residing in this State and able to support him.

Applicants for aid based on blindness under chapters 951 to 959 shall be examined by an ophthalmologist, a physician skilled in diseases of the eye or a licensed optometrist in the State of Maine. The expense of the examination may be paid by the State. The department is authorized to establish 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 said chapters.

On the basis of the findings of the examination for blindness as provided in this section, supplementary services may be provided by the department to any applicant or recipient who is in need of treatment either to prevent blindness or to restore his eyesight, whether or not he is blind as defined in section 3301. Such supplementary services may include necessary traveling and other expenses to receive optometric, medical, surgical, clinical or hospital treatment as may be approved by the department, or payment for such services or treatment.

1963, c. 433, § 2.

§ 3403. Disqualification

Any applicant for or recipient of aid to the aged, blind or disabled, who divests himself directly or indirectly of any property

without a reasonable consideration shall forfeit all right to receive aid under chapters 951 to 957, for a period of 2 years from the date of the property transfer unless the property or its equivalent is restored to the applicant or recipient.

Any recipient of aid to the aged, blind or disabled shall be disqualified from receiving aid unless he files with the department whenever the department may require it, the following information:

1. Income and assets. A statement concerning income, assets and liabilities of the recipient sworn to by the recipient;

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

If the recipient is unable to obtain the sworn statement from such child, parents, or spouse, then upon proof of his inability to do so, the department shall obtain such statement or the required information from any available source and proceed to process the case. Any determination made under this section shall be subject to the right of appeal by the recipient under section 3411.

1963, c. 433, § 2.

§ 3404. Amount of aid

The amount of aid which any person shall 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, to provide a reasonable subsistence compatible with decency and health; but not exceeding the maximum amount allowable by federal matching in accordance with Title XVI of the Social Security Act, as amended. Earned income in the amount stated in the Social Security Act, as amended, shall be disregarded in making a budget for a blind recipient.

1963, c. 433, § 2.

§ 3405. Payment to conservator or guardian

If an applicant for or a recipient of aid is found by the department to be incapable of taking care of himself or his money,

payment shall be made only to a legally appointed guardian or conservator for his benefit.

1963, c. 433, § 2.

§ 3406. Change of circumstances

If at any time during the continuance of aid the recipient thereof become possessed of any property or income in excess of the amount 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.

1963, c. 433, § 2.

§ 3407. Suspension of aid

Appropriations for aid to the aged, blind or disabled, and for medical or remedial care and services for the medically indigent shall not lapse but shall be a continuing account so long as federal grants are available to match the state's contribution. No payments matchable by federal funds shall be made out of said account if federal grants or state appropriations are withdrawn, except that medical or remedial care or services contracted for before the date of such withdrawal shall be paid. If at any time the grant available to match funds provided by law and to be distributed under chapters 951 to 959 shall cease to be available, the Governor shall forthwith publicly so proclaim, and upon date of such proclamation said chapters shall be suspended. Any money left in said fund in the event of withdrawal of federal grants or state appropriations shall be divided between the State and the Federal Government in proportion to the amount contributed by each.

1963, c. 433, § 2.

§ 3408. Inalienability of aid

All rights to aid shall be absolutely inalienable by any assignment, execution, pledge or otherwise, and shall not pass, in case of insolvency or bankruptcy, to any trustee, assignee or creditor.

1963, c. 433, § 2.

§ 3409. Funeral expenses

On the death of an active recipient of aid to the aged, blind or disabled, reasonable funeral expenses not exceeding \$150 shall be paid by the State if the estate of the deceased is insufficient to pay the same.

1963, c. 433, § 2.

§ 3410. Unindorsed checks; procedure

When for any reason whatsoever a recipient of aid to the aged, blind or disabled 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. 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.

1963, c. 433, § 2.

§ 3411. Appeals

Any 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 chapters 951 to 957, 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. Said commissioner or a member of the department designated and authorized by him shall hear all evidence pertinent to the matter at issue and render a decision thereon within a reasonable period after the date of the hearing. When the evidence in the case is heard by a person other than the commissioner, the decision shall be rendered in the name of the commissioner.

1963, c. 433, § 2.