

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
HUMAN RESOURCES
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

The new draft (LD1435) clarified the identity of the professional review committee established to carry out the purposes of the new draft, changed a reference from "habitual drunkenness" to "misuse of alcohol" and added language to insure that alternative forms of treatment are available for impaired physicians.

LD:	786	AN ACT TO CLARIFY THE GENERAL ASSISTANCE LAW	BERUBE
			CARPENTER
OTP-AM		HOUSE Enacted	PUBLIC
		SENATE Enacted	CH #489
		GOV Signed	
S-272	CA		H S
S-351	CA	PEARSON	
S-363	CA	PEARSON	
S-366	CA	PEARSON	H S

SUMMARY:

The original bill, although entitled An Act to Clarify the General Assistance Law, actually sought to make major substantive changes to the General Assistance laws in the following areas: student eligibility, determination of need, income standards, income applicability, initial application criteria, back bills, emergency assistance, state reimbursement, work requirement, recovery of expenses and lien notice.

The committee amendment (S-272) replaced the original bill and amended the general assistance law by making the following changes:

1. provided that the period of time used in calculating income, for a determination of need, is a 30-day period, convening on the date of the application;
2. changed the focus of the general assistance eligibility determination. General assistance, in nonemergency situations, was based on whether or not a person's income and other resources is sufficient to provide "basic necessities." This change will base the determination on whether the person's income and other resources available to provide basic necessities is less than the maximum levels of assistance established by the municipality. The municipality's maximum levels of assistance must be reasonable and adequate standards sufficient to maintain health and decency;

3. amended the provisions for emergency assistance and provided that an applicant who is otherwise eligible for emergency assistance may not receive that assistance if he is currently disqualified for general assistance for a violation of the work requirement or he makes a false statement regarding a material fact in applying for general assistance or has violated the Maine Revised Statutes, Title 22, section 4317, requiring an applicant to utilize all his available potential resources. It also provided that back bills for basic necessities do not qualify as an emergency if the bill is more than 2 months old and the person had sufficient income to pay the bill at the time the bill was received. The applicant is responsible to disclose his income for that period;

4. amended the work requirement to provide that:

a. Work for nonprofit organizations, unless such work would violate a basic religious belief of the applicant, may be assigned by a municipality as part of its work program;

b. Students in a degree-granting program are ineligible if they refuse to work under a work program; and

c. An applicant who has been disqualified for general assistance for violating the work requirement may regain his eligibility by working or by complying with the work requirements of this chapter.

5. allowed a municipality to recover general assistance expenses from a person even if the person is currently receiving some form of public assistance;

6. allowed the municipal officers to designate a person, such as the overseer, to file notices of liens when the municipality pays for a mortgage with general assistance funds;

7. eliminated the municipality's responsibility to keep a written record of a fair hearing for the court review. The municipality would only be required to tape the proceedings. Transcripts for an appeal of the hearing shall be paid for by the general assistance applicant;

8. required the department to provide a copy of its decision to a complainant when it has reviewed the complaint. Currently, only the municipality is entitled to a copy of the department decision. It also allowed the applicant to appeal a decision of the department under the provisions of the Maine Administrative Procedure Act, title 5, chapter 375. Currently, only the municipality may appeal a decision;

9. repealed the provision of the general assistance law that required the department to report to the First Regular Session of the 112th Legislature. That report has been made.

Senate Amendment "C" to Committee Amendment "A" (S-366) added an appropriation and an effective date of Oct. 1, 1985. Two other amendments (S-351 and S-363), not enacted, sought to add an appropriation and a later effective date.

LD: 788 AN ACT TO PROVIDE ASSISTANCE TO NEEDY FAMILIES FACING FORECLOSURE BUSTIN CARROLL

LU-WD HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:

This proposal sought to include mortgage payments, if necessary to avoid foreclosure of an eligible applicant's sole residence, as a part of the definition of "basic necessities" in the general assistance laws.

LD: 789 AN ACT TO RECOGNIZE TRANSPORTATION AS A BASIC NECESSITY IN THE DEPARTMENT OF HUMAN RESOURCES BUSTIN CARROLL

LU-WD HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:

This bill sought to amend the definition of basic necessities in the general assistance program to include transportation where it is necessary for medical or employment related reasons.

LD: 790 AN ACT MAKING MANDATORY CERTAIN DISCRETIONARY POWERS OF THE COMMISSIONER OF CORRECTIONS GAUVREAU GILL JOSEPH REEVES

HOUSE Ref'd to Committee
SENATE Ref'd to Committee
GOV

SUMMARY:

This bill sought to mandate to the Department of Corrections that rehabilitative programs, half-way programs, post-release services, etc. be given a high priority. The problem that this addresses is that, although the Department has authority for these programs, budgetary pressure has forced the Department to emphasize incarceration at the expense of these programs. This bill was held-over to see what action is taken by the next legislative session.