



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1370

H.P. 1009

House of Representatives, March 31, 2011

An Act To Amend the Laws Governing General Assistance Programs

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CUSHING of Hampden.
Cosponsored by Senator MASON of Androscoggin and
Representatives: CURTIS of Madison, HARVELL of Farmington, PARKER of Veazie,
SANDERSON of Chelsea, STRANG BURGESS of Cumberland.

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

2 **Sec. 1. 22 MRSA §4301, sub-§6**, as amended by PL 1991, c. 622, Pt. M, §20, is
3 further amended to read:

4 **6. Household.** "Household" means an individual or a group of individuals who
5 share a dwelling unit. When an applicant shares a dwelling unit with one or more
6 individuals, even when a landlord-tenant relationship may exist between individuals
7 residing in the dwelling unit, eligible applicants may receive assistance for no more than
8 their pro rata share of the actual costs of the shared basic needs of that household
9 according to the maximum levels of assistance established in the municipal ordinance.
10 The pro rata share is calculated by dividing the maximum level of assistance available to
11 the entire household by the total number of household members. The income of
12 household members not legally liable for supporting the household is considered
13 available to the applicant only when there is a pooling of income.

14 **Sec. 2. 22 MRSA §4301, sub-§7**, as amended by PL 2003, c. 510, Pt. C, §6, is
15 further amended to read:

16 **7. Income.** "Income" means any form of income in cash or in kind received by the
17 household, including net remuneration for services performed, cash received on either
18 secured or unsecured credit, any payments received as an annuity, retirement or disability
19 benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits
20 under any state or federal categorical assistance program, supplemental security income,
21 social security and any other payments from governmental sources, unless specifically
22 prohibited by any law or regulation, court ordered support payments, income from
23 pension or trust funds and household income from any other source, including relatives or
24 unrelated household members.

25 The following items are not available within the meaning of this subsection and
26 subsection 10:

- 27 A. Real or personal income-producing property, tools of trade, governmental
28 entitlement specifically treated as exempt assets by state or federal law;
- 29 B. Actual work-related expenses, whether itemized or by standard deduction, such
30 as taxes, retirement fund contributions, union dues, transportation costs to and from
31 work, special equipment costs and child care expenses; or
- 32 C. Earned income of children below the age of 18 years who are full-time students
33 and who are not working full time.

34 In determining need, the period of time used as a basis for the calculation is the 30-day
35 period commencing on the date of the application. This prospective calculation does not
36 disqualify an applicant who has exhausted income to purchase basic necessities if that
37 income does not exceed the income standards established by the municipality.
38 Notwithstanding this prospective calculation, if any applicant or recipient receives a lump
39 sum payment prior or subsequent to applying for assistance, that payment must be
40 prorated over future months. The period of proration is determined by disregarding any
41 portion of the lump sum payment that the applicant or recipient has spent to purchase

1 basic necessities, including but not limited to: all basic necessities provided by general
2 assistance; reasonable payment of funeral or burial expenses for a family member;
3 reasonable travel costs related to the illness or death of a family member; repair or
4 replacement of essentials lost due to fire, flood or other natural disaster; repair or
5 purchase of a motor vehicle essential for employment, education, training or other day-to-
6 day living necessities; repayments of loans or credit, the proceeds of which can be
7 verified as having been spent on basic necessities; and payment of bills earmarked for the
8 purpose for which the lump sum is paid. All income received by the household between
9 the receipt of the lump sum payment and the application for assistance is added to the
10 remainder of the lump sum. The period of proration is then determined by dividing the
11 remainder of the lump sum payment by the ~~greater of the~~ verified actual monthly amounts
12 for all of the household's basic necessities ~~or 150% of the applicable federal poverty~~
13 ~~guidelines~~. That dividend represents the period of proration determined by the
14 administrator to commence on the date of receipt of the lump sum payment. The prorated
15 sum for each month must be considered available to the household for 12 months from
16 the date of application or during the period of proration, whichever is less.

17 **Sec. 3. 22 MRSA §4315, 3rd ¶**, as amended by PL 1993, c. 410, Pt. AAA, §9, is
18 further amended to read:

19 If the fair hearing officer finds that a recipient made a false representation to the
20 overseer in violation of this section, that recipient is required to reimburse the
21 municipality for any assistance rendered for which that recipient was ineligible and is
22 ineligible from receiving further assistance for a period of ~~120~~ 180 days.

23 **Sec. 4. 22 MRSA §4315, first ¶**, as amended by PL 1993, c. 410, Pt. AAA, §9, is
24 further amended to read:

25 Whoever knowingly and willfully makes any false representation of a material fact to
26 the overseer of any municipality or to the department or its agents for the purpose of
27 causing that or any other person to be granted assistance by the municipality or by the
28 State is ineligible for assistance for a period of ~~120~~ 180 days and is guilty of a Class E
29 crime.

30 **Sec. 5. 22 MRSA §4316-A, sub-§1**, as amended by PL 1993, c. 410, Pt. AAA,
31 §10, is further amended to read:

32 **1. Ineligibility for assistance.** An applicant is ineligible for assistance for ~~120~~ 180
33 days in all municipalities in the State when any municipality establishes that the
34 applicant, without just cause:

- 35 A. Refuses to search for employment when that search is reasonable and
36 appropriate;
- 37 B. Refuses to register for work;
- 38 C. Refuses to accept a suitable job offer under this section;
- 39 D. Refuses to participate in a training, educational or rehabilitation program that
40 would assist the applicant in securing employment;

1 F. Refuses to perform or willfully fails to perform a job assigned under subsection
2 2; or

3 G. Willfully performs a job assigned under subsection 2 below the average
4 standards of that job.

5 If a municipality finds that an applicant has violated a work-related rule without just
6 cause, under this subsection or subsection 1-A, it is the responsibility of that applicant to
7 establish the presence of just cause.

8 **Sec. 6. 22 MRSA §4316-A, sub-§1-A**, as enacted by PL 1993, c. 410, Pt. AAA,
9 §10, is amended to read:

10 **1-A. Period of ineligibility.** An applicant, whether an initial or repeat applicant,
11 who quits work or is discharged from employment due to misconduct as defined in Title
12 26, section 1043, subsection 23, is ineligible to receive assistance for ~~420~~ 180 days after
13 the applicant's separation from employment.

14 **Sec. 7. 22 MRSA §4316-A, sub-§4**, as amended by PL 1993, c. 410, Pt. AAA,
15 §10, is further amended to read:

16 **4. Eligibility regained.** A person who has been disqualified by any municipality for
17 not complying with any work requirement of this section may regain eligibility during the
18 ~~420-day~~ 180-day period by becoming employed or otherwise complying with the work
19 requirements of this section. An applicant who is disqualified due to failure to comply
20 with the municipal work program may be given only one opportunity to regain eligibility
21 during the ~~420-day~~ 180-day disqualification period, except that if an applicant who
22 regains eligibility is again disqualified for failing to comply with the municipal work
23 program within the initial period of disqualification, the applicant is ineligible for
24 assistance for ~~420~~ 180 days and does not have the opportunity to requalify during the
25 ~~420-day~~ 180-day period.

26 **Sec. 8. 22 MRSA §4317, 4th ¶**, as amended by PL 1993, c. 410, Pt. AAA, §11, is
27 further amended to read:

28 An applicant who forfeits receipt of or causes reduction in benefits from another
29 public assistance program or private assistance program, including but not limited to
30 unemployment insurance benefits, because of fraud, misrepresentation or a knowing or
31 intentional violation of program rules or a refusal to comply with program rules without
32 just cause is not eligible to receive general assistance to replace the forfeited assistance
33 for the duration of the forfeiture.

34 **Sec. 9. 36 MRSA §6216, 2nd ¶**, as amended by PL 1989, c. 614, is further
35 amended to read:

36 Benefits received under this chapter may ~~not~~ be included as income for purposes of
37 any state or municipally administered public benefit program ~~but may be considered~~ and
38 as income for purposes of determining eligibility for abatement under section 841,
39 subsection 2.

