



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 539

H.P. 422

House of Representatives, February 15, 2011

### An Act To Build Accountability into the General Assistance Laws

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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 STRANG BURGESS of Cumberland.  
Cosponsored by Senator HASTINGS of Oxford and  
Representatives: CASAVANT of Biddeford, GRAHAM of North Yarmouth, HARMON of  
Palermo, KESCHL of Belgrade, MAKER of Calais, MALABY of Hancock, VALENTINO of  
Saco, Senator: COLLINS of York.

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

2 **Sec. 1. 22 MRSA §4308, sub-§1**, as amended by PL 1993, c. 410, Pt. AAA, §6,  
3 is further amended to read:

4 **1. Initial and subsequent applications.** Except as provided in section 4316-A,  
5 subsection 1-A ~~and section 4317-A~~, a person who makes an application for assistance,  
6 who has not applied for assistance in that or any other municipality must have that  
7 person's eligibility determined solely on the basis of need. All applications for general  
8 assistance that are not initial applications are repeat applications. The eligibility of repeat  
9 applicants must be determined on the basis of need and all other conditions of eligibility  
10 established by this chapter and municipal ordinance.

11 **Sec. 2. 22 MRSA §4308, sub-§2, ¶A**, as enacted by PL 1985, c. 489, §§5 and 14,  
12 is amended to read:

13 A. A person who is currently disqualified from general assistance for a violation of  
14 section 4315, 4316-A ~~or~~ 4317 or 4317-A is ineligible for emergency assistance under  
15 this subsection.

16 **Sec. 3. 22 MRSA §4317, 3rd ¶**, as amended by PL 1993, c. 410, Pt. AAA, §11, is  
17 further amended to read:

18 An applicant who refuses to utilize potential resources without just cause, after  
19 receiving a written 7-day notice, is disqualified from receiving assistance until the  
20 applicant has made a good faith effort to secure the resource. It is the responsibility of the  
21 applicant to establish the presence of just cause.

22 **Sec. 4. 22 MRSA §4317, 4th ¶**, as amended by PL 1993, c. 410, Pt. AAA, §11, is  
23 repealed.

24 **Sec. 5. 22 MRSA §4317-A** is enacted to read:

25 **§4317-A. Use of available resources**

26 An applicant who abandons or refuses to use an available resource without just cause  
27 is not eligible to receive general assistance to replace the abandoned or refused resource  
28 for a period of 120 days. A resource is considered abandoned if the applicant without just  
29 cause voluntarily terminates receipt of an available resource. Available resources include  
30 but are not limited to any private, local, regional or county-based assistance, state or  
31 federal assistance, housing, employment, unemployment benefits or food assistance  
32 program that the applicant is receiving or immediately eligible to receive. Available  
33 resources also include services, commodities or facilities made available by private  
34 organizations when the services, commodities or facilities are available and offered at no  
35 cost to the applicant.

36 An applicant who forfeits receipt of or causes reduction in benefits from an available  
37 resource because of fraud, misrepresentation or a knowing or intentional violation of  
38 available resource rules, or a refusal to comply with available resource rules without just

1 cause, is not eligible to receive general assistance to replace the forfeited benefits for  
2 either the duration of the forfeiture or 120 days, whichever is greater. It is the  
3 responsibility of the applicant to establish the presence of just cause.

4

#### **SUMMARY**

5 This bill makes both initial and repeat applicants for general assistance who  
6 voluntarily abandon government or private resources without just cause ineligible to  
7 receive general assistance to replace the abandoned assistance for a period of 120 days  
8 from the date the applicant abandons the resource. The bill also makes an applicant who  
9 forfeits government or private resources due to fraud, misrepresentation or intentional  
10 violation or refusal to comply with program rules without just cause ineligible to receive  
11 general assistance to replace the forfeited assistance for the duration of the forfeiture or  
12 120 days, whichever is greater. Current law provides that an applicant who forfeits  
13 government resources is ineligible to receive general assistance for the duration of the  
14 forfeiture.