



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 219

S.P. 65

In Senate, January 24, 2017

An Act To Prioritize Use of Available Resources in 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
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Senator: MASON of Androscoggin, Representative: SANDERSON of Chelsea.

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

2 **Sec. 1. 22 MRSA §4301, sub-§1-B** is enacted to read:

3 **1-B. Available resource.** "Available resource" means any resource that is
4 immediately available or can be secured without delay to an applicant or recipient,
5 including but not limited to cash on hand or in bank accounts or support from relatives.
6 "Available resource" also includes any state, federal or nonprofit health or social service
7 provider assistance or any housing, employment or unemployment assistance that an
8 applicant is receiving or immediately eligible to receive.

9 **Sec. 2. 22 MRSA §4301, sub-§12-B** is enacted to read:

10 **12-B. Potential resource.** "Potential resource" means any resource that may be
11 available to an applicant or recipient, including, but not limited to, any state or federal
12 assistance program, employment benefits, governmental or private pension programs,
13 available trust funds, support from legally liable relatives, child support payments and
14 jointly held resources in which the applicant's or recipient's share may be available.

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

17 An applicant or recipient must make a good faith effort to secure any potential
18 resource ~~that may be available, including, but not limited to, any state or federal~~
19 ~~assistance program, employment benefits, governmental or private pension programs,~~
20 ~~available trust funds, support from legally liable relatives, child support payments and~~
21 ~~jointly held resources where the applicant or recipient share may be available to the~~
22 ~~individual.~~ Assistance may not be withheld pending receipt of such resource as long as
23 application has been made or good faith effort is being made to secure the resource.

24 **Sec. 4. 22 MRSA §4317, 3rd ¶,** as amended by PL 1993, c. 410, Pt. AAA, §11, is
25 further amended to read:

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

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

31 **§4317-A. Use of available resources**

32 **1. Abandonment and refusal to use available resource.** An applicant who
33 abandons or refuses to use an available resource without just cause is not eligible to
34 receive general assistance to replace the abandoned or refused resource for a period of
35 120 days from the date the applicant abandoned or refused to use the resource. A
36 resource is considered abandoned if the applicant without just cause voluntarily
37 terminates receipt of an available resource. It is the responsibility of the applicant to
38 establish the presence of just cause.

1 **2. Forfeiture of benefits.** An applicant who forfeits receipt of or causes reduction in
2 benefits from an available resource because of fraud, misrepresentation or a knowing or
3 intentional violation of a rule governing an available resource or a refusal to comply with
4 a rule governing an available resource without just cause is not eligible to receive general
5 assistance to replace the forfeited benefits for the duration of a sanction imposed on the
6 applicant for violation of a rule governing an available resource or 120 days, whichever is
7 greater. It is the responsibility of the applicant to establish the presence of just cause.

8 **3. Just cause.** For the purposes of this section, just cause must be found when there
9 is reasonable and verifiable evidence of:

10 A. An unreasonable requirement placed on the applicant or applicant's family by the
11 provider of the available resource that interferes with any right secured by the United
12 States Constitution or secured by the Constitution of Maine;

13 B. Discrimination on the basis of religion, ethnicity, age, race, color, gender, sexual
14 orientation, national origin or disability;

15 C. The use of the available resource jeopardizing the health or safety of an applicant
16 or applicant's family;

17 D. A natural disaster that makes the available resource uninhabitable or unavailable;

18 E. Abandonment of shelter housing in order to obtain permanent housing;

19 F. Inability to access available resources due to a lack of public or private
20 transportation or medical illness or injury;

21 G. Just cause as defined in section 4316-A, subsection 5; or

22 H. Any other evidence that is reasonable and appropriate.

23 Failure of an otherwise eligible person to comply with this section may not affect the
24 general assistance eligibility of any member of the person's household.

25 SUMMARY

26 This bill makes an applicant for general assistance who voluntarily abandons or
27 refuses to use an available resource without just cause ineligible to receive general
28 assistance to replace the abandoned or refused resource for a period of 120 days from the
29 date the applicant abandons or refuses the resource. The bill defines "available resource"
30 as a resource that is immediately available or can be secured without delay. The bill also
31 makes an applicant who forfeits an available resource due to fraud, misrepresentation or
32 intentional violation or refusal to comply with rules without just cause ineligible to
33 receive general assistance to replace the forfeited resource for the duration of the sanction
34 imposed on the applicant for violation of a rule or 120 days, whichever is greater. The
35 bill identifies circumstances relating to use of an available resource under which just
36 cause must be found.