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## **An Act To Amend the Laws Governing General Assistance Programs**

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

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

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

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

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

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

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

In determining need, the period of time used as a basis for the calculation is the 30-day period commencing on the date of the application. This prospective calculation does not disqualify an applicant who has exhausted income to purchase basic necessities if that income does not exceed the income standards

established by the municipality. Notwithstanding this prospective calculation, if any applicant or recipient receives a lump sum payment prior or subsequent to applying for assistance, that payment must be prorated over future months. The period of proration is determined by disregarding any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities, including but not limited to: all basic necessities provided by general assistance; reasonable payment of funeral or burial expenses for a family member; reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid. All income received by the household between the receipt of the lump sum payment and the application for assistance is added to the remainder of the lump sum. The period of proration is then determined by dividing the remainder of the lump sum payment by the ~~greater of the~~ verified actual monthly amounts for all of the household's basic necessities ~~or 150% of the applicable federal poverty guidelines~~. That dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

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

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

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

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

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

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

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

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

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

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

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

**1-A. Period of ineligibility.** An applicant, whether an initial or repeat applicant, who quits work or is discharged from employment due to misconduct as defined in Title 26, section 1043, subsection 23, is ineligible to receive assistance for ~~120~~180 days after the applicant's separation from employment.

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

**4. Eligibility regained.** A person who has been disqualified by any municipality for not complying with any work requirement of this section may regain eligibility during the ~~120-day~~180-day period by becoming employed or otherwise complying with the work requirements of this section. An applicant who is disqualified due to failure to comply with the municipal work program may be given only one opportunity to regain eligibility during the ~~120-day~~180-day disqualification period, except that if an applicant who regains eligibility is again disqualified for failing to comply with the municipal work program within the initial period of disqualification, the applicant is ineligible for assistance for ~~120~~180 days and does not have the opportunity to requalify during the ~~120-day~~180-day period.

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

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

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

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

**Sec. 10. Municipal access to the automated client eligibility system.** The Department of Health and Human Services shall develop an implementation plan providing municipalities with electronic access to the automated client eligibility system for purposes of verifying general assistance program applicant eligibility. The plan must be submitted to the Joint Standing Committee on Health and Human Services no later than January 15, 2012. The plan must include: an implementation timetable that

provides electronic access to municipalities by December 31, 2012; the standards that must be adhered to by municipalities choosing to access the system; and a standard confidentiality agreement that must be signed by the municipal officers before access is provided.

## **SUMMARY**

This bill seeks to make several changes to the laws governing the administration of the general assistance programs. The bill clarifies the calculation for determining the pro rata share of the assistance to be provided to eligible household members and requires that the lump sum income proration calculation be based only on actual household need, and not on the greater of the need or 150% of federal poverty level, as is currently required. It increases general assistance program ineligibility from 120 days to 180 days for fraud or a work requirement violation. It amends the provisions governing the use of potential resources to include private assistance programs, such as unemployment insurance benefits, and allows refunds provided under the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, to count as income in the calculation of general assistance program eligibility. The bill also directs the Department of Health and Human Services to develop a plan to provide municipalities with electronic access to the State's automated client eligibility system for determining general assistance program applicant eligibility. Electronic access must be provided to municipalities no later than December 31, 2012.