



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1294

H.P. 949

House of Representatives, March 24, 2011

### **An Act To Impose a 90-day Residency Requirement in Order To Receive State Assistance**

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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 GUERIN of Glenburn.  
Cosponsored by Representatives: BENNETT of Kennebunk, HARVELL of Farmington,  
LIBBY of Waterboro, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie,  
PARRY of Arundel, SIROCKI of Scarborough.

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

2 **Sec. 1. 22 MRSA §3104, sub-§8-A** is enacted to read:

3 **8-A. Residency requirement.** An applicant for assistance under the statewide food  
4 supplement program must prove to the department that the applicant has been physically  
5 present for 90 days or longer in the State prior to applying for the statewide food  
6 supplement program. Acceptable forms of proof of residency must include the  
7 applicant's name and the address of the applicant's residence or domicile. A post office  
8 box or mail drop address is not sufficient. Acceptable proof of residency includes, but is  
9 not limited to:

10 A. A tax return, W-2 form or paycheck stub;

11 B. A utility bill or a letter from a utility company showing application for service;

12 C. A contract to which the applicant is a party; or

13 D. A document issued by a governmental entity.

14 **Sec. 2. 22 MRSA §3104-A, sub-§3**, as amended by PL 2009, c. 291, §3, is  
15 further amended to read:

16 **3. Administration.** The department shall provide assistance under this section to  
17 eligible households on a monthly basis through an electronic benefit transfer system. For  
18 the purpose of this subsection, "eligible household" means a household that has been  
19 physically present for 90 days or longer in the State prior to applying for the statewide  
20 food supplement program. Acceptable forms of proof of residency must include the  
21 applicant's name and the address of the applicant's residence or domicile. A post office  
22 box or mail drop address is not sufficient. Acceptable proof of residency includes, but is  
23 not limited to:

24 A. A tax return, W-2 form or paycheck stub;

25 B. A utility bill or a letter from a utility company showing application for service;

26 C. A contract to which the applicant is a party; or

27 D. A document issued by a governmental entity.

28 **Sec. 3. 22 MRSA §3173, 8th ¶**, as repealed and replaced by PL 1979, c. 127,  
29 §144, is amended to read:

30 No time standard established by this section ~~shall~~ may be used as a ~~waiting period~~  
31 ~~before granting aid, or as a basis for denial of an application or~~ for terminating assistance.

32 **Sec. 4. 22 MRSA §3173**, as amended by PL 1997, c. 676, §1 and PL 2003, c. 689,  
33 Pt. B, §6, is further amended by adding at the end a new paragraph to read:

34 An applicant for assistance under the MaineCare program must prove to the  
35 department that the applicant has been physically present for 90 days or longer in the  
36 State prior to applying for MaineCare. Acceptable forms of proof of residency must  
37 include the applicant's name and the address of the applicant's residence or domicile. A

1 post office box or mail drop address is not sufficient. Acceptable proof of residency  
2 includes, but is not limited to a tax return, W-2 form or paycheck stub; a utility bill or a  
3 letter from a utility company showing application for service; a contract to which the  
4 applicant is a party; or a document issued by a governmental entity.

5 **Sec. 5. 22 MRSA §3763, sub-§11** is enacted to read:

6 **11. Residency requirement.** An applicant for assistance under TANF must prove to  
7 the department that the applicant has been physically present for 90 days or longer in the  
8 State prior to applying for TANF. Acceptable forms of proof of residency must include  
9 the applicant's name and the address of the applicant's residence or domicile. A post  
10 office box or mail drop address is not sufficient. Acceptable proof of residency includes,  
11 but is not limited to:

12 A. A tax return, W-2 form or paycheck stub;

13 B. A utility bill or a letter from a utility company showing application for service;

14 C. A contract to which the applicant is a party; or

15 D. A document issued by a governmental entity.

16 **Sec. 6. 22 MRSA §4301, sub-§3**, as enacted by PL 1983, c. 577, §1, is amended  
17 to read:

18 **3. Eligible person.** "Eligible person" means a person who shows proof of having  
19 lived in a municipality for 90 days continuously prior to the date of application and who  
20 is qualified to receive general assistance from a municipality according to standards of  
21 eligibility determined by the municipal officers ~~whether or not that person has applied for~~  
22 general assistance.

23 **Sec. 7. 22 MRSA §4307, sub-§2**, as repealed and replaced by PL 1987, c. 349,  
24 Pt. H, §15, is amended to read:

25 **2. Municipality of responsibility.** Except as provided in subsection 4, a  
26 municipality is responsible for the general assistance support of the following individuals:

27 A. A resident of the municipality. For the purposes of this section, a "resident"  
28 means a person who is physically present in a municipality ~~with the intention of~~  
29 ~~remaining in that municipality to maintain or establish~~ for at least 90 days prior to the  
30 date of application and who maintains or establishes a home and who has no other  
31 residence; ~~and.~~

32 ~~B. Eligible persons who apply to the municipality for assistance and who are not~~  
33 ~~residents of that or any other municipality. If a person is not a resident of any~~  
34 ~~municipality, the municipality where that person first applies shall be responsible for~~  
35 ~~support until a new residence is established.~~

36 **Sec. 8. 22 MRSA §4307, sub-§3**, as repealed and replaced by PL 1987, c. 349,  
37 Pt. H, §15, is repealed.

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## **SUMMARY**

This bill establishes a 90-day residency requirement for applicants for the MaineCare program, the statewide food supplement program, the TANF program and municipal general assistance.