

Date: (Filing No. H- )

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT " " to COMMITTEE AMENDMENT "A" to H.P. 1405, L.D. 1903, Bill, "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013"

Amend the amendment by striking out all of Part R and inserting the following:

'PART R

Sec. R-1. 22 MRSA §4301, sub-§1, as amended by PL 1991, c. 9, Pt. U, §1, is further amended to read:

1. Basic necessities. "Basic necessities" means food, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs, telephone where when it is necessary for medical reasons and any other commodity or service determined essential by the overseer in accordance with the municipality's ordinance and this chapter. "Basic necessities" does not include security deposits for rental property, except for emergency purposes, or housing assistance for longer than 90 days per calendar year. For the purposes of this subsection, "emergency purposes" means any situation in which no other permanent lodging is available unless a security deposit is paid.

Sec. R-2. 22 MRSA §4301, sub-§3, as enacted by PL 1983, c. 577, §1, is amended to read:

3. Eligible person. "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance.

"Eligible person" does not include:

A. A recipient of cash assistance under section 3762 or a household member of that recipient but may include a caretaker relative of that recipient who receives cash assistance on behalf of the recipient. As used in this paragraph, "caretaker relative" has the same meaning as in section 3811, subsection 1-A; or

1           B. An individual who has been sanctioned for noncompliance pursuant to section  
2           3763, subsection 1.

3           **Sec. R-3. 22 MRSA §4308, sub-§2, ¶C** is enacted to read:

4           C. A person who has received 90 days of housing assistance in a calendar year is  
5           ineligible for emergency assistance under this subsection for the remainder of that  
6           calendar year.

7           **Sec. R-4. 22 MRSA §4309, sub-§3**, as enacted by PL 1983, c. 577, §1, is  
8           amended to read:

9           **3. Eligibility of members of person's household.** Failure of an otherwise eligible  
10          person to comply with this chapter ~~shall~~ does not affect the general assistance eligibility  
11          of any member of the person's household who is not capable of working, ~~including at~~  
12          least except as provided in section 4301, subsection 3, paragraphs A and B and section  
13          4308, subsection 2, paragraph C. Household members not capable of working include,  
14          without limitation:

15           A. A dependent minor child;

16           B. An elderly, ill or disabled person; and

17           C. A person whose presence is required in order to provide care for any child under  
18           the age of 6 years or for any ill or disabled member of the household.

19          **Sec. R-5. 22 MRSA §4309, sub-§4**, as enacted by PL 1991, c. 528, Pt. SS, §3  
20          and affected by Pt. RRR and enacted by c. 591, Pt. SS, §3, is amended to read:

21          **4. Eligibility of minors who are parents.** ~~A~~ An otherwise eligible person under the  
22          age of 18 who has never married and who has a dependent child or is pregnant is eligible  
23          only if that person and child reside in a dwelling maintained by a parent or other adult  
24          relative as that parent's or relative's own home or in a foster home, maternity home or  
25          other adult-supervised supportive living arrangement unless:

26           A. The person has no living parent or the whereabouts of both parents are unknown;

27           B. No parent will permit the person to live in the parent's home;

28           C. The department determines that the physical or emotional health or safety of the  
29           person or dependent child would be jeopardized if that person and dependent child  
30           lived with a parent;

31           D. The individual has lived apart from both parents for a period of at least one year  
32           before the birth of any dependent child; or

33           E. The department determines, in accordance with rules adopted pursuant to this  
34           section, which must be in accordance with federal regulations, that there is good  
35           cause to waive this requirement.

36          For the purposes of this subsection, "parent" includes legal guardian.

37          **Sec. R-6. 22 MRSA §4310, first ¶**, as amended by PL 1991, c. 9, Pt. U, §7, is  
38          further amended to read:

1 Whenever an ~~applicant~~ eligible person applies for general assistance and states to the  
2 administrator that the applicant is in an emergency situation and requires immediate  
3 assistance to meet basic necessities, the overseer shall, pending verification, issue to the  
4 applicant either personally or by mail, as soon as possible but in no event later than 24  
5 hours after application, sufficient benefits to provide the basic necessities needed  
6 immediately by the applicant, ~~provided that~~ as long as the following conditions are met.

7 **Sec. R-7. 22 MRSA §4310, sub-§4**, as enacted by PL 1983, c. 577, §1, is  
8 amended to read:

9 **4. Limitations.** In no case:

10 A. May the authorization of benefits under this section exceed 30 days; ~~and~~

11 B. May there be further authorization of benefits to the applicant until there has been  
12 full verification confirming the applicant's eligibility; ~~and~~

13 C. May emergency housing assistance benefits be authorized to an applicant who has  
14 received housing assistance for 90 days in that same calendar year.

15 **Sec. R-8. 22 MRSA §4311, sub-§1**, as amended by PL 1993, c. 410, Pt. AAA,  
16 §7 and by PL 2003, c. 689, Pt. B, §6, is repealed and the following enacted in its place:

17 **1. Departmental reimbursement.** The department shall reimburse each  
18 municipality or Indian tribe for a portion of the direct costs of paying benefits through its  
19 general assistance program if the department finds that the municipality or Indian tribe  
20 was in compliance with all requirements of this chapter during the fiscal year for which  
21 reimbursement is sought. The amount of reimbursement must be an amount equal to:

22 A. For each municipality, 50% of all general assistance granted by that municipality;  
23 and

24 B. For an Indian tribe that incurs net general assistance costs in any fiscal year in  
25 excess of .0003 of that tribe's most recent state valuation relative to the state fiscal  
26 year for which reimbursement is being issued, as determined by the State Tax  
27 Assessor in the statement filed as provided in Title 36, section 381, 90% of the  
28 amount in excess of these expenditures. In addition, the department shall reimburse  
29 the tribe 10% of all general assistance granted by that tribe.

30 As used in this subsection, "Indian tribe" has the same meaning as in section 411,  
31 subsection 8-A.

32 **Sec. R-9. 22 MRSA §4311, sub-§1-B**, as amended by PL 1991, c. 9, Pt. U, §8, is  
33 repealed.

34 **Sec. R-10. 22 MRSA §4311, sub-§2**, as amended by PL 1991, c. 9, Pt. U, §9, is  
35 further amended to read:

36 **2. Submission of reports.** Municipalities and Indian tribes shall submit monthly  
37 reports as follows on forms provided by the department.

38 ~~A. For purposes of this section, those municipalities that received reimbursement at~~  
39 ~~90% during the previous fiscal year of the State and those municipalities that expect~~  
40 ~~to receive reimbursement at 90% during the current fiscal year of the State must~~  
41 ~~submit monthly reports on forms provided by the department.~~

1 ~~B. Those municipalities that did not receive reimbursement at 90% during the~~  
2 ~~previous fiscal year and do not expect to receive reimbursement at 90% for the~~  
3 ~~current fiscal year must submit quarterly or semiannual reports on forms provided by~~  
4 ~~the department.'~~

5 Amend the amendment by inserting after Part GGG the following:

6 **'PART HHH**

7 **Sec. HHH-1. Appropriations and allocations.** The following appropriations  
8 and allocations are made.

9 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

10 **General Assistance - Reimbursement to Cities and Towns 0130**

11 Initiative: Deappropriates funds for general assistance benefits.

12	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
13	All Other	\$0	(\$1,429,001)
14			
15	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$1,429,001)</b>

17 Amend the amendment by relettering or renumbering any nonconsecutive Part letter  
18 or section number to read consecutively.

19 **SUMMARY**

20 This amendment strikes the provisions in Committee Amendment "A" that concern  
21 general assistance and replaces them with the provisions from the bill concerning general  
22 assistance. It also adds an appropriations and allocations section.

23 **FISCAL NOTE REQUIRED**

24 **(See attached)**

25 SPONSORED BY: \_\_\_\_\_

26 (Representative TIMBERLAKE)

27 TOWN: Turner