

10-144 DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chapter 323: MAINE GENERAL ASSISTANCE MANUAL

TABLE OF CONTENTS

- SECTION I. INTRODUCTION**
- SECTION II. DEFINITIONS**
- SECTION III. RESPONSIBILITIES**
- SECTION IV. ELIGIBILITY**
- SECTION V. MAXIMUMS, CATEGORIES AND LEVELS OF ASSISTANCE**
- SECTION VI. MUNICIPALITY OF RESPONSIBILITY**
- SECTION VII. RETENTION OF RECORDS**
- SECTION VIII. ORDINANCES FILED**
- SECTION IX. REVIEW OF MUNICIPAL ADMINISTRATION OF GENERAL ASSISTANCE**
- SECTION X. PENALTIES**
- SECTION XI. INTERVENTION**
- SECTION XII. REIMBURSEMENT TO MUNICIPALITIES, REPORTING AND REQUIREMENTS**
- SECTION XIII. TRAINING**

SECTION IV. ELIGIBILITY

A. Applications.

In order to receive General Assistance from any municipality, an individual or a duly authorized representative must file a written application with the overseer, except as provided in 22 M.R.S. §4304(3).

1. Any person eligible pursuant to 22 M.R.S. §4301(3) who makes an application for General Assistance, who has not applied for General Assistance in any municipality or unorganized territory within the state, shall have their eligibility determined solely on the basis of need.
2. Requests for General Assistance beyond the initial 30-day eligibility period require a recipient to submit a new application, and the municipality to make a new eligibility determination, at the start of each new 30-day eligibility period.
 - a. A municipality determines the period of eligibility, which cannot exceed 30 days.
 - i. If eligibility is determined on a weekly or daily basis, the municipality must calculate the amount of unmet need using figures applicable to that same time period.
 - ii. If eligibility has been determined for a 30-day period, but assistance is given for shorter intervals, the municipality is not required to re-determine eligibility during that shorter time period.
 - iii. Nothing in this section prohibits a municipality from re-determining eligibility at any time during that 30-day period.
 - b. Every re-application must be determined without regard to past decisions. In the event that an error was made in the past and General Assistance was provided when it should not have been, this does not set a precedent for prospective determinations.
3. Decisions are to be rendered within 24 hours of application, even if the next business day falls outside of that timeframe.
 - a. If there is insufficient or questionable information, and a determination of eligibility cannot be made, a denial shall be issued based on the fact that the administrator is unable to determine eligibility.
 - i. If denied for insufficient information, the applicant shall be directed to obtain the necessary information and submit it the next business day.

- b. In the event of an “emergency,” sufficient assistance to alleviate the emergency shall be provided until the next business day.
4. Emergency Applications. Some applications could be treated as an emergency.
- a. The municipality may determine that there is an emergency that, if not alleviated immediately, could pose a threat to the health and safety of the applicant or a member of the household. The municipality may also determine that an emergency is imminent and that the failure of the municipality to provide assistance may result in undue hardship and unnecessary cost.
 - i. If, after discussion with a potential applicant, the municipality determines that an emergency or imminent emergency exists, the municipality must ensure that the applicant is allowed to apply for General Assistance that same day.
 - ii. When the municipality determines that an emergency or an imminent emergency exists, and the applicant is eligible for General Assistance, assistance adequate to alleviate the emergency must be granted immediately.
 - a) When necessary, municipalities may disregard their maximum levels of assistance during an emergency or an imminent emergency situation. It is not necessary to provide long term assistance or a permanent solution in an emergency. Assistance of a type and amount that will alleviate the immediate threat to life or safety or that will help to alleviate any undue hardship or unnecessary cost will suffice.
 - b. It is the responsibility of the applicant to supply the municipality with any information necessary to determine if an eligible household is in an emergency situation.
 - c. When a household member is currently disqualified for false representation, not meeting work requirements, or not using potential resources, the disqualified member is not eligible for emergency assistance.
 - i. The remaining household members may still be eligible.
 - d. When the applicant household could have averted the emergency situation by using their income or resources for basic necessities, the municipality is not required to grant emergency assistance.

- e. Municipalities shall presume eligibility for persons who are provided shelter in an emergency shelter for the homeless located in that municipality.
 - i. Municipalities may arrange with emergency shelters for the homeless to presume eligibility on behalf of the municipality when there is an individual agreement on file and available for review.
 - ii. When residents of an emergency shelter apply for assistance, the municipality must inform them that any income or resources they have are to be utilized for current needs, including emergency shelter costs. The same rules of eligibility are to be utilized as with other applications.
 - iii. The duration of presumed eligibility shall not exceed 30 days within a 12-month period.
 - iv. Full eligibility must be verified prior to assistance issued subsequent to the presumed period of eligibility.
 - v. When presumptive eligibility is determined under this subsection, no other municipality may be determined to be the municipality of responsibility during the 30-day period of presumption.

B. Budgeting.

Determining eligibility for General Assistance requires calculating an applicant's deficit and unmet need.

1. An applicant's deficit is determined by subtracting their net income, from the appropriate overall maximum.
 - a. If this results in a negative number, the applicant has no deficit and is not eligible for General Assistance.
2. An Applicant's unmet need is determined by subtracting their net income, from the household's verifiable, allowable expenses (up to the categorical maximums) for the next 30 days.
 - a. If this results in a negative number, the applicant has no unmet need and is not eligible for General Assistance.
3. If both the deficit test and the unmet need test result in positive numbers, the applicant is eligible for the lessor amount of the two.

C. Available and Potential Resources.

1. Available resources are used in the budget when calculating the applicant's eligibility

2. Potential resources—
 - a. are not used in the budget when calculating eligibility, but
 - b. Actions necessary to realize a potential resource will be conditions of eligibility for the applicant for future applications.
- D. Income.
1. Income includes, but is not limited to—
 - a. net remuneration for services performed;
 - b. cash received on either secured or unsecured credit;
 - c. any payments received as an annuity;
 - d. retirement or disability benefits;
 - e. veterans' pensions;
 - f. workers' compensation;
 - g. unemployment benefits;
 - h. benefits under any state or federal categorical assistance program;
 - i. supplemental security income;
 - j. social security, and any other payments from governmental sources, unless specifically prohibited by any law or regulation;
 - k. support payments;
 - l. income from pension or trust funds;
 - m. household income from any other source, including relatives or unrelated household members;
 - n. any benefit received pursuant to 36, M.R.S. §5219-KK and ch. 907, unless it is used for basic necessities; and
 - o. in kind contributions to the household or on behalf of the household.
 2. All income of post-secondary student applicants must be considered available.

3. For repeat applicants, income from the previous 30-day period that is unaccounted for, or not spent on basic necessities, will be considered misspent and/or available.
 - a. If the applicant later submits verification that unaccounted for income was spent on basic necessities, it will no longer be considered available income. If this verification is provided within the eligibility period and need still exists, benefits may be recalculated.
4. Lump sum payments are income and will be prorated over future months.
 - a. When a lump sum is received, the municipality will calculate the number of months it shall be pro-rated over (as prescribed below) to determine the period of ineligibility.
 - i. All income received by the household between the receipt of the lump sum payment and the application shall be added to the lump sum and included in the calculation of proration.
 - ii. Verifiable expenditures for basic necessities from the date of receipt of the lump sum until the date of application and payment of bills for which purpose the lump sum was paid shall be deducted from the lump sum in the calculation of proration. Basic necessities for purposes of determining proration of lump sum include but are 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.
 - iii. The total from ii. will be subtracted from i.
 - iv. The remainder (iii) will be divided by the verified, actual, prospective, 30-day budget for all of the household's basic necessities. The result is the number of months the lump sum will be prorated over (and the applicant household will be ineligible for). This shall not exceed twelve months from the date of application.

- b. If the date of receipt and amount of the lump sum are known, but expenditures are not, the same calculations shall be used and the length of denial shall not be longer than what the calculation allows.
 - c. If an applicant, whether an initial or repeat applicant, receives a lump sum payment and cannot verify the amount, date of receipt, and expenditures from the lump sum, a denial shall be placed on the case for up to twelve months from the application date, until the information is received.
 - d. The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance solely on the basis of the proration of a lump sum payment. In such cases, subsequent applications are subject to proration and all other standards established under General Assistance law, regulations and municipal ordinance.
5. Earned Income Tax Credit (EITC) received by an applicant household, whether in a paycheck or in the form of a tax return, is income. Until received, EITC is a potential resource.

E. Some Resources Are Not Counted When Calculating Eligibility

1. Support Service payments received by ASPIRE participants are not to be counted as income, whether paid directly to the vendor or issued to the ASPIRE participant through Electronic Benefit Transfer (EBT), if used as and when intended.
2. Federally funded Supplemental Nutrition Assistance Program (SNAP) benefits cannot be considered as income or a resource (7 C.F.R. §272.1).
 - a. General Assistance applicants shall be required to apply for SNAP benefits.
3. Housing assistance paid directly to a landlord cannot be considered as income or a resource.
4. Student financial aid provided through the school system that is specifically earmarked for required expenditures, such as tuition, books and lab fees shall not be considered as income or a resource.
 - a. Municipalities shall require applicants to provide detailed financial aid information to determine that which is specifically earmarked for school and which portion is, or can be used for living expenses.

F. Deductions.

Allowable deductions are subtracted from income prior to calculating eligibility. Optional deductions are considered available to the applicant when calculating eligibility.

1. Upon receiving earned income verification, usually in the form of check stubs, the administrator shall determine whether deductions are to be considered allowable or optional.
 - a. Court or Department of Health and Human Services ordered child support and alimony deductions from earned (or unearned) income are not optional and are not considered available income.
 - i. Child support payments in excess of the ordered amount will be considered available to the applicant household.
 - ii. If, as the result of making ordered child support payments, the applicant is eligible for General Assistance, a requirement shall be made to petition the Department of Health and Human Services or the court, whichever is appropriate, to have the ordered payment lowered.
 - b. Optional deductions for health or dental insurance are considered allowable.
2. When determining net income, necessary, verifiable, work related transportation and dependent care costs from the past 30 days shall be deducted from earned income.
 - a. Do not allow additional insurance coverage necessary due to a poor driving record or driving convictions such as OUI offenses.
 - b. The municipal officer shall project transportation costs (at the capped mileage rate as determined by municipal ordinance) and child care costs as work related expenses when budgeting prospectively.
 - c. Unless otherwise specified in the municipal ordinance, the budgeted allowances for prospective transportation costs are to be capped at the allowed mileage rate in the ordinance.
3. If public transportation is available, deductions for transportation shall not exceed the public transportation expense.
4. Work related expenses may not be deducted from unearned income.
5. Deductions for deposits to banks or credit unions; payments for optional services; and payments for loans or other creditors are to be considered optional and available.

- G. Allowable Expenses. Expenses that are verifiable and spent on basic necessities are considered allowable and will not be considered available to the applicant when calculating eligibility.
1. Income from the past 30 days that can be verified as being spent on basic necessities shall not be considered available to the applicant.
 2. Income from the previous 30 days that was not spent on basic necessities or other allowable expenses or that cannot be verified at all will be considered available to repeat applicants.
 3. When deciding which payments made are allowable expenses, only the basic amount shall be considered. For example—
 - a. Do not allow long distance calls unless made to a physician, or data or text plans, unless deemed necessary by the municipality.
 - b. Do not allow late fees for otherwise allowable expenses.
 4. If the applicant is not working or looking for work and has a vehicle, it shall be determined whether or not the applicant can get to a food store or to a doctor, when necessary, by means other than the applicant's vehicle.
 - a. Such elements as distance, remoteness, availability of family and neighbors shall be factored into a decision.
 - b. If a vehicle is not deemed necessary after considering these factors, income spent on that vehicle shall be considered misspent and available to the applicant.
- H. Verifications shall be provided by the applicant household for anything pertinent to eligibility that may be considered questionable.
1. Applicants will be responsible for providing any and all information and documentation concerning eligibility including, but not limited to, household composition, citizenship status, verification that the applicant is pursuing a lawful process to apply for immigration relief, resources, assets and liabilities, employment, income and use thereof, expenses and any changes in information previously given for all members of the household that would affect eligibility.
 2. Income may be verified by paystub, tax returns, government documentation, employer statement, bank statements, Department of Health and Human Services or any other way deemed credible by the General Assistance administrator.
 3. Citizenship status shall be verified by official government or court documentation or may be confirmed by Department of Health and Human Services.

4. Allowable Expenses must be verified by receipts. Municipalities shall inform repeat applicants in writing that they are required to provide receipts for all expenditures at the next application.
 - a. The administrator shall view receipts and may retain copies in the case file.
 - b. If receipts for food show that some of the food was purchased with Supplemental Nutrition Assistance Program (SNAP) benefits, this portion shall not be considered in determining use of income.
 5. When receipts are not available, other methods may be used to verify expenditures, such as phone calls made to utility companies, fuel dealers and landlords. Written signed statements from a vendor are acceptable to verify expenditures.
 6. Municipalities shall verify with Department of Health and Human Services that new applicants have not been disqualified by another municipality.
- I. Interim Assistance
1. The Department and the Social Security Administration (SSA) have instituted an Interim Assistance Reimbursement (IAR) program to repay state and local funds expended for assistance to Supplemental Security Income (SSI) applicant/recipients while the SSI payments are pending or suspended.
 - a. Under this agreement, any General Assistance funds expended for a recipient who is later found eligible for SSI must be repaid from the retroactive SSI check.
 2. Municipal General Assistance Administrators must obtain written authorization for subsequent SSI reimbursement from each applicant who, to the Administrator's knowledge, may be eligible for SSI, has applied for SSI, or who is waiting for benefits which have been suspended.
 - a. An applicant meeting one of these criteria is not eligible for General Assistance until such an authorization is signed, and assistance will be provided for the time period beginning with the date that the authorization is signed.
 - i. Current recipients of SSI are not subject to this requirement.
 - b. If an applicant's SSI monthly payments are suspended or terminated, the applicant shall be required to appeal or file again.
 - i. The applicant must sign a post-eligibility authorization for reimbursement of moneys from a potential lump sum.

- c. If two or more people in the household are applying for SSI, each must sign a separate authorization form.
 - d. If the SSI applicant is a child, the authorization form is completed and signed by the parent or legal guardian.
 - i. The social security number used on the form is that of the child.
 - e. IAR forms must be signed by a recipient every 12 months and after every denial by the SSA.
 3. The Department of Health and Human Services will provide the municipalities the necessary forms to obtain this authorization from the applicant.
 4. The authorization is not effective unless the form is filled out correctly.
 - a. Only one box shall be checked off and the form must be signed by both the applicant and the administrator.
 5. The authorization is not effective unless received from the municipality by the Social Security office within 30 days of signing the form.
 6. When the SSA notifies the Department that a recipient has been found eligible for SSI benefits and will be receiving a retroactive check, the Department will request the following information from the municipality by month for each month of receipt:
 - a. The amount of General Assistance provided for the recipient, which shall be pro-rated if it is not a household of one; and
 - b. The number of hours that the recipient performed workfare for the municipality and the monetary value placed on each hour of workfare performed.
 - i. The recipient must be credited with at least the state or federal minimum wage, whichever is higher, for each hour of workfare.
 - ii. The value of workfare performed by the recipient during the applicable time period will be subtracted from the General Assistance amount reported.
- J. Applicant Eligibility When Parental/Spousal Responsibility Exists
 1. A parent of a child under 25 years of age living in or owning property in Maine shall support their children in proportion to their respective ability. If assisting a child would, in turn, make the parent eligible for General Assistance they will not be liable to provide and/or reimburse said assistance.

Likewise, a spouse living in or owning property in Maine shall support their spouse in proportion to their respective ability. If assisting a spouse would, in turn, make them eligible for General Assistance they will not be liable to provide and/or reimburse said assistance.

- a. Parents/spouses may be contacted in order to inform them of their financial responsibility and determine their ability to provide assistance to the applicant.
 - b. The applicant must be informed that the responsible party will be contacted to inform them that they are financially responsible to support the applicant.
 - c. Applicants may withdraw the application if they do not want certain contacts to be made.
2. In no event should a parent or spouse be contacted if the separation involves any type of documented abuse – physical, mental, or emotional.
 - a. Documentation of abuse may be supplied by Department of Health and Human Services, police, counselors etc.
 - b. If the abuse is evident to the administrator through apparent bruises or knowledge of the applicant’s family history, further documentation shall not be required.
 3. If the parents are willing to provide assistance to the applicant removing the need for General Assistance, the application may be denied.
 4. In determining ability to pay of the responsible parents or spouse, the municipality shall use actual expenses of the parents or spouse and not use maximum limits for basic necessities as used for the General Assistance applicant.
 5. Parents or spouses who refuse to provide financial information may be billed for the assistance issued on behalf of their children or spouse.
 - a. Applicants shall not be denied solely because parents or spouses refuse to release financial information.

K. Minors.

1. Minors including minors with dependent children applying for General Assistance are eligible only if the minor is residing in the home of the minor’s parent, legal guardian, or other adult relative (in which case the entire household will be evaluated for eligibility), unless

- a. The minor is residing in a foster home, maternity home, or other adult supervised living arrangement; or
 - b. the minor has no living parent or the whereabouts of the parents are unknown; or
 - c. no parent will permit the minor to live in the parent's home; or
 - d. the minor lived apart from both parents for at least one year prior to application; or
 - e. the municipality or the Department of Health and Human Services determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor or the minor and the minor's children lived with a parent; or
 - f. The minor has a similar justifiable reason, or other good cause, for not residing with either parent that has been approved by the Department.
2. In no event should a parent be contacted if the separation involves any type of documented abuse – physical, mental, or emotional.
 - a. Documentation of abuse may be supplied by Department of Health and Human Services, police, counselors etc.
 - b. If the abuse is evident to the administrator through apparent bruises or knowledge of the applicant's family history, further documentation shall not be required.
- L. Work Requirements, Work Search and/or Workfare.
1. An applicant is ineligible for assistance for 120 days in all municipalities in the State when any municipality establishes that the applicant, without good cause—
 - a. Refuses to search for employment when that search is reasonable and appropriate;
 - b. refuses to register for work at a CareerCenter or online through Maine JobLink;
 - c. refuses to accept a suitable job offer;
 - d. refuses to participate in a training, educational or rehabilitative program that would assist the applicant in securing employment;
 - e. refuses to or willfully fails to perform a workfare assignment; or

- f. willfully performs a workfare assignment below the average standards of that assignment.
2. 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 days after the applicant's separation from employment.
3. Municipalities may operate a workfare program making it a condition of eligibility.
 - a. Workfare can be performed for the municipality or for a non-profit organization, if that organization has agreed to participate as an employer in the municipal work program.
 - i. A person may not be required to work for a non-profit organization if that work would violate a basic religious belief of that person.
4. The maximum length of time which can be required of a participant in a municipal work program is determined by dividing the General Assistance benefit by an amount equal to at least the state or federal minimum wage whichever is higher.
 - a. Once assignment is made to the municipal work program or a work requirement is established, a recipient is responsible for completing the assignment. If subsequent action(s) by the recipient result in incarceration and they cannot complete the assignment, good cause is not be granted. Failure to fulfill any eligibility requirement due to incarceration as a result of a recipient's action after the requirement has been made does not result in good cause.
 - b. Expenses related to work performed under this section must be considered in determining the amount of General Assistance to be provided to the individual.
5. When a recipient is responsible for repaying assistance from a lump sum (E.g. after an SSI or Worker's Compensation determination), that debt is reduced by the value of the workfare performed by the recipient.
 - a. When a recipient who has signed an agreement to repay assistance is awarded a Worker's Compensation award, the value of the work performed in the municipal work program during the applicable time frame is deducted from the amount of General Assistance paid out on behalf of the recipient prior to reimbursement.
 - b. Recipients who sign an Interim Assistance Reimbursement agreement and then receive an SSI retroactive payment will have the value of the work

performed in the municipal work program during the applicable time period deducted from the amount of General Assistance paid out on their behalf prior to reimbursement.

6. Workfare participants are not employees of the municipality and are not covered under Workers' Compensation.
 - a. Medical bills for workfare injuries not due to municipal negligence are to be submitted to the Department.
7. An eligible person performing work under this section may not replace regular municipal employees or regular employees of a participating non-profit organization.
8. An eligible person in need of emergency assistance may not be required to perform workfare prior to receiving General Assistance; however, an applicant not in need of emergency assistance may be required to satisfactorily complete workfare prior to receiving assistance.
9. General Assistance provided by a municipality for work performed by an eligible person must be included in the reimbursable net General Assistance costs and itemized separately in reports to Department of Health and Human Services.
10. The municipality may require recipients to participate in training, educational or rehabilitative programs that would assist the recipient in securing employment.
 - a. Participation in such training, educational or rehabilitative programs will not be considered workfare for reimbursement purposes.
11. Student applicants are not exempt from work requirements, work search or workfare.
 - a. If a student of post-secondary education, other than those involved with the Department of Labor or Department of Health and Human Services programs, applies for General Assistance, the applicant must be available to seek and accept full-time employment.
12. In no instance may any work requirement, training or educational program under this section interfere with a person's—
 - a. Existing employment;
 - b. ability to pursue a bona fide job offer;
 - c. ability to attend an interview for possible employment;
 - d. classroom participation in a primary or secondary educational program intended to lead to a high school diploma or HiSet; or

- e. classroom or on-site participation in a training program that is either approved or determined, or both, by the Department of Labor to be reasonably expected to assist the individual in securing employment. This does not include participation in a degree granting program, except when that program is a training program operated under the control of the Department of Health and Human Services or the Department of Labor.
13. Good cause for failure to meet a work requirement must be found when there is reasonable and verifiable evidence of—
- a. Physical or mental disability;
 - b. compensation below minimum wages;
 - c. sexual harassment;
 - d. physical or mental inability to perform required job tasks;
 - e. inability to work required hours or to meet piece work standards established by the employer;
 - f. lack of transportation to and from work or training;
 - g. inability to arrange for necessary child care or care of an ill or disabled family member;
 - h. a determination of good cause made by the Department of Labor; and
 - i. any other evidence that is reasonable and appropriate.
14. The administrator shall not require medical verification of medical conditions that are apparent or are of such a short duration that a reasonable person would not ordinarily seek medical attention. In any case in which medical verification is required and the applicant has no means of obtaining such verification, the overseer shall grant assistance for the purpose of obtaining that verification.

M. Disqualification.

Except as provided below, applicants who have been disqualified by a municipality are ineligible for General Assistance including Emergency General Assistance statewide, unless the disqualifying municipality has lifted the sanction.

- 1. When an applicant has been disqualified, regardless of the reason, the disqualifying municipality must issue a written disqualification notice to the GA applicant/recipient.

- a. Disqualification notices must give the reason for the disqualification, the time period involved, and information regarding the establishment of good cause and fair hearing rights.
2. Municipalities must report disqualified applicants to the Department of Health and Human Services.
3. An applicant who has been disqualified because of non-compliance with any work requirements is ineligible anywhere in the state until the 120-day disqualification period ends, unless the applicant becomes employed or complies with the work requirements.
 - a. An applicant who has been disqualified by a municipality for not complying with a work requirement may regain eligibility during the 120-day disqualification period by becoming employed or otherwise complying with the work requirement.
 - b. An applicant who has been disqualified due to failure to comply with the municipal work program may be given only one opportunity to regain eligibility during the 120-day disqualification period. If that 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 days from the subsequent disqualification determination and does not have the opportunity to re-qualify during that 120-day period.
4. Any member of an applicant or recipient household who 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 household to be granted assistance by the municipality or by the State shall reimburse the municipality for that assistance.
 - a. Further assistance shall be denied until that person—
 - i. Reimburses the municipality for the assistance; or
 - ii. enters into a written agreement that is reasonable under the circumstances to reimburse the municipality for that assistance; and
 - iii. the applicant has been disqualified for a minimum of 120 days.
 - b. Disqualification notices involving false representation will include the amount obtained through false representation and a proposed repayment plan which will allow the applicant time to enter into an agreement and make payments before the minimum 120-day disqualification is served.

- i. The amount of General Assistance obtained through false representation is determined by subtracting the amount the recipient should have received under General Assistance rule from what they did receive by false representation.
 - a) This calculation may have to be completed for multiple months depending on the circumstances of the case and when the false representation was discovered.
 - ii. Funds used to repay the General Assistance obtained through false representation will be considered misspent income for budgeting purposes.
5. Any recipient whose assistance has been terminated or denied has the right to appeal that decision by requesting a fair hearing.
6. No recipient who has been granted assistance, in accordance with 22 M.R.S. Ch. 1161, may have that assistance terminated prior to the decision of the fair hearing officer, when a fair hearing has been requested within five working days of receiving the written notice.
7. An applicant who is ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, section 1051, subsection 1, is ineligible to receive General Assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor.
8. A fugitive from justice, as that term is defined in 15, M.R.S. §201, subsection 4, is not eligible for General Assistance.
9. When an applicant is disqualified, the dependents of that person may still apply for and, if eligible, receive a prorated amount of assistance.

N. Immigration Status.

1. Lawfully present persons and those pursuing a lawful process to apply for immigration relief are eligible for General Assistance, provided that they meet all other eligibility requirements. Those pursuing a lawful process for immigration relief have a lifetime eligibility limit of 24 months. Only months of assistance provided after July 1, 2015 will be counted towards this limit.
2. Verification, Records Retention, and Reporting Responsibilities. Municipalities will not receive reimbursement for expenditures for those lawfully present or pursuing immigration relief unless—
 - a. The applicant provides to the municipality satisfactory proof that they are either lawfully present, or that they are pursuing a lawful process to apply for immigration relief in accordance with Section II of this manual;

- b. For an applicant eligible as pursuing a lawful process for immigration relief the municipality tracks and documents the number of assistance months received by that applicant in that municipality;
- c. The municipality provides to the Department all information that the Department has requested on recipients of General Assistance who are either lawfully present or pursuing a lawful process to apply for immigration relief, for the purpose of program integrity and the coordination and prevention of duplication of services; and
- d. The municipality will retain this documentation for a period of no less than three years.

O. Recovery Residence.

- 1. A person is not ineligible for General Assistance solely because they reside in a recovery residence.
 - a. Beginning July 1, 2022, a municipality may not provide housing assistance to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. §20005(22)¹, except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The applicant may receive assistance for necessities other than housing if the applicant is otherwise eligible while residing in an uncertified recovery residence. The overseer shall inform the applicant of the certification requirement and shall verify certification status prior to rendering a decision of eligibility.
- 2. The managing operator of a certified recovery residence is not ineligible to receive payment on behalf of an applicant solely because that managing operator is not the legal property owner of the recovery residence.

¹The version most currently in effect applies. The text of this law can be found at legislature.maine.gov/statutes/5/title5sec20005.html. Copies may be requested by writing to:

General Assistance Program Manager
Maine DHHS, Office for Family Independence
11 State House Station
109 Capitol St.
Augusta, ME 04333-0011