

CITY COUNCIL REGULAR MEETING
Tuesday, October 8, 2024 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order** (Mayor Morin)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Morin)
- A. Minutes of the September 10, 2024 Regular Meeting, Minutes of the September 18, 2024 Special Meeting, and Minutes of the September 30, 2024 Special Meeting**
(Councilor Kimball)
- B. Awards, Petitions and Public Comments**
 - 1. Swearing-In Ceremony Brewer Fire Fighter, Thomas Emery
 - 2. Acting City Manager’s Report
 - 3. Public Comments
- IV. Recess for Public Hearing**
 - 1. To consider amending, by complete substitution, Chapter 11GA, of the Charter, Codes and Ordinances of the City of Brewer, entitled “General Assistance Ordinance”.
- V. Adjourn Public Hearing**
- C. Consent Calendar**
 - 1. (2024-A181) ORDER Accept donation from Gifford Electric to Brewer Parks and Recreation Department for Fall Program.
(Councilor Phanthay)
 - 2. (2024-A182) ORDER Accept donation from Bruce Moore to the Brewer Public Library. (Councilor Daniels)
 - 3. (2024-B040) RESOLVE Approve use of School Capital Reserve funds for Brewer Community School track improvements.
(Councilor O’Halloran)
 - 4. (2024-A183) ORDER Authorize acceptance of conditional amended agreement to the City’s MainePERS plan to incorporate change to Plan 3C for eligible Firefighters. (Councilor Kimball)
 - 5. (2024-A184) ORDER Award contract for Elm Street and Pierce Road Sidewalk and Storm Drain Project. (Councilor Phanthay)
 - 6. (2024-A185) ORDER Authorize amendment to Maine Public Employees Retirement System Plan for certain Firefighters.
(Councilor Daniels)
 - 7. (2024-B041) RESOLVE Ratify Brewer Fire Department Command Officers collective bargaining contract. (Councilor O’Halloran)
 - 8. (2024-A186) ORDER Authorize purchase of replacement workstations for Brewer Police Department Patrol. (Councilor Kimball)
 - 9. (2024-A187) ORDER Accept Fiscal Year 2021 Edward Byrne Memorial Justice Assistance Grant Program funds. (Councilor Phanthay)
- D. Monthly Reports** (Councilor Daniels)

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E. Nominations, Appointments, Elections

Consent Calendar

1. (2024-B042) RESOLVE Declare a vacancy on the Library Board of Trustees of the City of Brewer for the unexpired term of Sari Ohmart. (Councilor O'Halloran)
2. (2024-B043) RESOLVE Accept resignation of Erica Veazey from the City of Brewer Board of Assessment Review. (Councilor Kimball)
3. (2024-A188) ORDER Appoint additional Democratic election clerks. (Councilor Phanthay)
4. (2024-A189) ORDER Appoint additional Republican election clerks. (Councilor Phanthay)
5. (2024-A190) ORDER Appoint additional Republican election clerk. (Councilor Phanthay)
6. (2024-B044) RESOLVE Confirm City Clerk's appointment of election wardens. (Councilor Phanthay)
7. (2024-A191) ORDER Appoint member to the Board of Appeals of the City of Brewer. (Councilor O'Halloran and Mayor Morin)

F. Unfinished Business

1. (2024-C014) ORDER Replace Chapter 11GA of the Charter, Codes and Ordinances of the City of Brewer, entitled "General Assistance Ordinance", by complete substitution. (Councilor Daniels)

G. New Business

1. (2024-A192) ORDER Convene in executive session pursuant to Title 1, M.R.S.A. §405(6)(E) to consult with legal counsel regarding City Council rights and duties. (Councilor Phanthay)

H. New Items with Leave of Council

I. ADJOURN ***

A. Minutes of the September 10, 2024 Regular Meeting, Minutes of the September 18, 2024 Special Meeting, and Minutes of the September 30, 2024 Special Meeting

ACTION: Councilor Kimball moved that the minutes to the September 10, 2024 Regular Meeting, minutes to the September 18, 2024 Special Meeting and the minutes to the September 30, 2024 Special Meeting be accepted and placed on file. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

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B. Awards, Petitions and Public Comments

1. Swearing-In Ceremony Brewer Fire Fighter, Thomas Emery

The city clerk swore in Brewer Fire Fighter Thomas Emery. Councilor Daniels presented a Brewer Challenge Coin to Fire Fighter Emery.

2. Acting City Manager's Report

Acting City Manager Eric Glidden gave a report on the ongoing operations of the City Manager's Office. The Acting City Manager said that road work on Parkway South had been completed with the exception of some minor stripping. The Acting City Manager said that most of the work on State Street was expected to finish by the end of the next week, with only minor work remaining after that, and that the remaining section of State Street between North Main and the bridge would be completed next year. The Acting City Manager said that work on Wilson Street scheduled for this fall, including the addition of an I-395 Exit, had been pushed back to spring. The Acting City Manager said that there had been a great turnout for the public meetings for the Village Partnership Initiative project on Center Street, and that the consultant would be compiling input to be presented at a meeting in November. The Acting City Manager said that the Wreaths Across America team was about halfway to its goal of acquiring 350 wreaths by December 14, and noted that the team is looking for volunteers to help with Wreaths Across America Day. The Acting City Manager noted that the Fire Officers Union contract had been finalized. The Acting City Manager noted the Brewer Historical Society estate sale had raised nearly four-thousand dollars, and that things were continuing to move forward

Public Comments

Councilor Daniels thanked everyone that had helped with the Brewer Historical Society estate sale.

Hudson resident Regina Queeley and her daughter presented information about the potential hazard of fluoride in water.

Brewer resident Aaron Walden expressed concern about the discontinuation of the City's submeter program, and asked how the submeter program negatively affected the City's stormwater efforts, cited as a reason that the program was discontinued. The Acting City Manager noted that increased environmental regulations, and increased cost for the program were the primary reasons the program had been discontinued. City of Brewer Director of Environmental Services David Leonard said that, although Mr. Walden might not have drained his water into the stormwater system, that many residents had, that runoff was a significant environmental factor, and that it did not make sense to continue the submeter program, effectively a costly subsidy for the one-hundred-and-fifty-five participants. Brewer resident Steve Wong also spoke in favor of keeping the submeter program. Mayor Morin thanked Mr. Walden and Mr. Wong for bringing their concerns forward. Mayor Morin said she believed sunseting the program had been the right decision, but that the City could have done a better job of communicating with the public during the decision-making process.

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IV. Recess for Public Hearing

Mayor Morin said the City Council would recess for a public hearing and after the public hearing the Council would return to the regular meeting and take up the rest of the items on the agenda.

The public hearing was called to order by Mayor Morin.

The city clerk called the roll:

Councilor Daniels-present
Councilor Kimball-present
Mayor Morin-present

Councilor O'Halloran-present
Councilor Phanthay-present

Mayor Morin declared that a quorum was present. Acting City Manager Eric Glidden and City Solicitor Johnathan Pottle were also present.

1. To consider amending, by complete substitution, Chapter 11GA, of the Charter, Codes and Ordinances of the City of Brewer, entitled "General Assistance Ordinance".

Mayor Morin read the public notice for the hearing:

**CITY OF BREWER
PUBLIC NOTICE**

In accordance with 22 M.R.S. § 4305(1), notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, October 08, 2024 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine to consider amending, by complete substitution, Chapter 11GA, of the Charter, Codes and Ordinances of the City of Brewer, entitled "General Assistance Ordinance".

The proposed amendment will be available for review in the City Clerk's office at Brewer City Hall.

Any person may attend this public hearing and speak on this proposed amendment. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Katherine Waite
Deputy City Clerk

Posted on bulletin board at Brewer City Hall September 24, 2024

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Acting City Manager Eric Glidden said that the update to the General Assistance Ordinance was necessary to keep the Ordinance consistent with State Law. Mayor Morin invited members of the public to speak on the matter, there were no comments.

V. Adjourn Public Hearing

Mayor Morin adjourned the public hearing.

The regular meeting was called back to order by Mayor Morin. The city clerk called the roll:

Councilor Daniels-present
Councilor Kimball-present
Mayor Morin-present

Councilor O'Halloran-present
Councilor Phanthay-present

Mayor Morin declared that a quorum was present. Acting City Manager Eric Glidden and City Solicitor Johnathan Pottle were also present.

C. Consent Calendar

2024-A181

October 8, 2024

TITLE: ORDER, ACCEPT DONATION FROM GIFFORD ELECTRIC TO BREWER
PARKS AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed August 26, 2024
By Soubanh Phanthay

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Gifford Electric, LLC. for support of the Fall Soccer Program; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Fall Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

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Statement of Fact: This order accepts a donation of \$100 from Gifford Electric, LLC. to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2024-A182

October 8, 2024

TITLE: ORDER, ACCEPT DONATION FROM BRUCE MOORE TO THE BREWER PUBLIC LIBRARY.

Filed September 24, 2024
By Michele Daniels

WHEREAS, Bruce Moore has been a faithful supporter of the Brewer Public Library; and

WHEREAS, the Brewer Public Library recently received a donation of \$2,000 from Bruce Moore; and

WHEREAS, Bruce Moore specified that \$1,000 of the donation be used to help preserve and protect items of communal and historic value given to the Brewer Public Library upon the dissolution of the Brewer Historical Society; and

WHEREAS, Bruce Moore specified that the remainder of the donation be used for purposes determined by the Library Director; and

WHEREAS, it is the recommendation and request of the Library Director that the remainder of the donation be used toward public programming.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council accepts this \$2,000.00 donation from Bruce Moore to the City of Brewer Public Library, authorizes its deposit into account 0600072-360000-72035 (Bruce Moore Gift), and further authorizes its appropriation and expenditure from 0600072-560000-72035 (Bruce Moore Gift Expense).

Statement of Fact: This order accepts a \$2,000 donation from Bruce Moore to support the preservation of historical items given to the City of Brewer Public Library, and to support the library's public programming.

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

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2024-A183

October 8, 2024

TITLE: ORDER, AUTHORIZE ACCEPTANCE OF CONDITIONAL AMENDED AGREEMENT TO THE CITY'S MAINEPERS PLAN TO INCORPORATE CHANGE TO PLAN 3C FOR ELIGIBLE FIREFIGHTERS.

Filed September 25, 2024
By William Kimball

WHEREAS, on August 13, 2024, the Brewer City Council approved an order authorizing a switch to Maine Public Employees Retirement System (MainePERS) Plan 3C for firefighters as agreed to in the new firefighter contract that Council ratified in August 2024; and

WHEREAS, MainePERS needs the legislative record to specify that the change approved applies only to firefighters covered by Local 2126, International Association of Firefighters (IAFF).

NOW, THEREFORE, BE IT ORDERED, that the City Council of the City of Brewer hereby votes to accept the Conditional Amended Agreement effective October 1, 2024 and clarifies that the change made to its plan is only for its firefighters covered by the Local 2162, IAFF collective bargaining agreement with the City of Brewer in effect on October 1, 2024, and

BE IT FURTHER ORDERED, that the City accepts the Conditional Amended Agreement effective October 1, 2024 as executed (copy included) and clarifies that the plan change made effective October 1, 2024 is as follows:

To provide Special Plan 3C to its firefighters covered by the Local 2162, International Association of Firefighters (IAFF) collective bargaining agreement with the City of Brewer for service rendered after September 30, 2024. Service accrued by these firefighters before October 1, 2024 remains under Special Plan 2C.

Statement of Fact: This order is needed to implement a change included in the new contract for the firefighters covered by the Local 2162, International Association of Firefighters (IAFF) collective bargaining agreement with the City of Brewer and to clarify that the change effective October 1, 2024 applies only to these certain firefighters.

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**AMENDED AGREEMENT BETWEEN
THE MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM
AND
CITY OF BREWER
FOR PARTICIPATION IN
THE DEFINED BENEFIT PLAN ("The Plan") UNDER
THE CONSOLIDATED PLAN FOR PARTICIPATING LOCAL DISTRICTS**

This Agreement is an Amendment to all previous Agreements entered into between the Maine Public Employees Retirement System and the City of Brewer (P0063) (hereinafter the "PLD"), a "participating local district" as defined by Section 1, Subsection 7 of Chapter 803 of the Rules of the Board of Trustees of the Maine Public Employees Retirement System (hereinafter the "MainePERS Rules") and 5 M.R.S. Section 17001, Subsection 27, for the purpose of providing for the participation of the PLD's employees in the defined benefit plan (also known as "The Plan" and defined by Section 1, Subsection 8 of Chapter 803 of the MainePERS Rules) of the Consolidated Retirement Plan established by Chapter 803 of the MainePERS Rules in accordance with 5 M.R.S., Chapter 427.

1. Election to Change Service Retirement Plan

The PLD, by resolution or order of its legislative body dated August 13, 2024 elects to change its Service Retirement Plan as allowed by Section 2, Subsection 7 of Chapter 803 for certain eligible firefighters.

2. Plan Change

The PLD elects to adopt Special Plan 3C as described in Chapter 803, Section 8, Subsection 5 for all eligible firefighters covered by the Local 2162, International Association of Firefighters (IAFF) collective bargaining agreement with the City of Brewer for service accrued on or after the effective date of this plan change. Service accrued by these firefighters before the effective date of this plan change remains under Special Plan 2C as described in Chapter 803, Section 8, Subsection 3.

3. Effective Date of Plan Change

The effective date of this plan change is October 1, 2024, or the first of the month following the date the Amended Agreement is signed by Maine Public Employees Retirement System's authorized designee, whichever is later. However, the effectiveness of this plan change is conditioned on the legislative body of the PLD approving this change as set forth in this Amended Agreement at its next city council meeting and the PLD's submission of a certified resolution or order in accordance with 5 M.R.S. § 18804 within thirty days after the city council meeting. If this does not occur, this change will be null and void.

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4. Other Plan Information

The PLD will continue to provide Special Plan 2C as described in Chapter 803, Section 8, Subsection 3 for all other firefighters; and

The PLD will continue to provide Special Plan 3C as described in Chapter 803, Section 8, Subsection 5 for its police officers; and

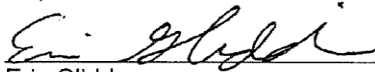
The PLD will continue to provide Regular Plan AC as described in Chapter 803, Section 7, Subsection 1 to all other employees, including its school support employees and elected/appointed officials.

5. Compliance with Statutes and MainePERS Rules

The PLD and the Maine Public Employees Retirement System agree to comply with all requirements of 5 M.R.S., Part 20, and of the MainePERS Rules that are applicable to The Plan.

CITY OF BREWER

Signature of PLD Authorized Representative

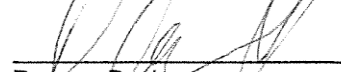


Eric Glidden,
Interim City Manager

9/25/24
Date Signed

**MAINE PUBLIC EMPLOYEES
RETIREMENT SYSTEM**

Signature of Chief Executive Officer or the Chief Executive Officer's Designee



Deanna Doyle,
PLD Plan Administrator

9/25/2024
Date Signed

For MainePERS Office Use Only:

City of Brewer

Employer Code P0063

Effective Date of this Amended Agreement:

October 1, 2024, or the first of the month following the date the Amended Agreement is signed by Maine Public Employees Retirement System's authorized designee, whichever is later.

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2024-A184

October 8, 2024

TITLE: ORDER, AWARD CONTRACT FOR ELM STREET AND PIERCE ROAD
SIDEWALK AND STORM DRAIN PROJECT.

Filed September 27, 2024
By Soubanh Phanthay

WHEREAS, on April 11, 2023, the Brewer City Council passed Order 2023-A044 which authorized a Municipal Partnership Initiative (MPI) agreement with the Maine Department of Transportation (MDOT) in the amount of \$180,000 for the resurfacing of Elm Street with sidewalk improvements from South Main Street to the railroad tracks on a 50/50 cost sharing basis; and

WHEREAS, on April 11, 2023, the Brewer City Council also passed Order 2023-A045 which authorized a cooperative agreement with MDOT in the amount of \$970,000 for the resurfacing of Pierce Road with storm drain improvements and sidewalk construction from Eastern Avenue to Wilson Street on a 70/30 cost sharing basis; and

WHEREAS, funding for the City's share of costs was included in the Fiscal Year 2025 Capital Improvement Program approved by the City Council in June; and

WHEREAS, the Brewer Engineering Department has attempted to bid the Elm Street work by itself twice with no suitable bids received; and

WHEREAS, the decision was made to attempt to bid the similar work together for the sidewalk and storm drain work and at a later date bid the paving work for both projects; and

WHEREAS, on September 26, 2024, the City received four competitive bids for the sidewalk and storm drain work from reputable local contractors (see attached bid tabulation sheet).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Wellman Paving of Winterport, Maine, the low bidder, in an amount not to exceed \$250,000 (the bid amount plus approximately 13% for contingencies), for the completion of the Elm Street and Pierce Road Sidewalk and Storm Drain project; and

BE IT FURTHER ORDERED, that costs associated with the Elm Street MPI project be charged to 0510113-551610-66517 and that costs associated with the Pierce Road Cooperative Agreement be charged to 0510113-551379-66516; and

BE IT FURTHER ORDERED, that, in a timely manner, the City of Brewer City Engineer shall submit for reimbursement to MDOT for the State's share of costs for this work, which is estimated to total \$164,330 (approximately \$26,675 for the Elm Street project and \$137,655 for the Pierce Road project).

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Statement of Fact: This order awards the contract for the Elm Street and Pierce Road Sidewalk and Storm Drain project to Wellman Paving. This contract will be the first phase of work on both of these Maine Department of Transportation partnership projects. Bids will be solicited, likely next spring, for the milling and paving portion of each of these roadways. The sidewalk and storm drain work will need to be completed prior to paving. The majority of costs associated with this work will be paid for by the State.

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Elm Street and Pierce Road Sidewalk and Storm Drain Project											
Bid Tabulation											
Bids Opened on 9/26/2024											
City of Brewer											
Bidder: Wellman Paving											
Bidder: Gordon Contracting											
Bidder: Maine Earth											
Bidder: Eastwood Contractors											
Bid Items: Elm Street	Quantity	Unit	Bid Price	Total	Bid Price	Total	Bid Price	Total	Bid Price	Total	
1. Sidewalk Removal	380	SY	\$13.40	\$5,092.00	\$75.00	\$28,500.00	\$15.00	\$5,700.00	\$25.00	\$9,500.00	
2. Bit. Pavement (9.5 mm)	40	Tons	\$300.00	\$12,000.00	\$275.00	\$11,000.00	\$335.00	\$13,400.00	\$185.00	\$7,400.00	
3. Shim Paving (9.5mm (FINE)	20	Tons	\$100.00	\$2,000.00	\$230.00	\$4,600.00	\$77.00	\$1,540.00	\$80.00	\$1,600.00	
4. Bit Pavement (12.0 mm (FINE)	15	Tons	\$300.00	\$4,500.00	\$440.00	\$6,600.00	\$567.00	\$8,505.00	\$200.00	\$3,000.00	
5. Gravel	60	CY	\$63.34	\$3,800.40	\$85.00	\$5,100.00	\$140.00	\$8,400.00	\$63.00	\$3,780.00	
6. Slipform Concrete Curbing	275	LF	\$19.25	\$5,293.75	\$31.00	\$8,525.00	\$26.00	\$7,150.00	\$25.00	\$6,875.00	
7. Inslope Excavation	150	SY	\$8.80	\$1,320.00	\$34.00	\$5,100.00	\$10.00	\$1,500.00	\$20.00	\$3,000.00	
8. Detectable Warning Fields	16	SF	\$171.60	\$2,745.60	\$150.00	\$2,400.00	\$215.00	\$3,440.00	\$200.00	\$3,200.00	
9. Mobilization	1	LS	\$2,000.00	\$2,000.00	\$40,000.00	\$40,000.00	\$6,500.00	\$6,500.00	\$7,500.00	\$7,500.00	
10. Traffic Control	1	LS	\$4,200.00	\$4,200.00	\$25,000.00	\$25,000.00	\$5,500.00	\$5,500.00	\$3,500.00	\$3,500.00	
11. Erosion Control	1	LS	\$4,260.00	\$4,260.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$4,500.00	\$4,500.00	
				\$47,211.75					\$144,325.00		
Bidder: Wellman Paving											
Bidder: Gordon Contracting											
Bidder: Maine Earth											
Bidder: Eastwood Contractors											
Bid Items: Pierce Road	Quantity	Unit	Bid Price	Total	Bid Price	Total	Bid Price	Total	Bid Price	Total	
1. Bit. Pavement (9.5 mm)	70	Tons	\$275.00	\$19,250.00	\$275.00	\$19,250.00	\$340.00	\$23,800.00	\$160.00	\$11,200.00	
2. Binder Pavement Repair	150	SY	\$70.00	\$10,500.00	\$230.00	\$34,500.00	\$55.00	\$8,250.00	\$80.00	\$12,000.00	
3. Bit Pavement (12.0 mm (FINE)	15	Tons	\$300.00	\$4,500.00	\$440.00	\$6,600.00	\$567.00	\$8,505.00	\$225.00	\$3,375.00	
4. Storm Trench Gravel	280	CY	\$110.90	\$31,052.00	\$90.00	\$25,200.00	\$70.00	\$19,600.00	\$42.00	\$11,760.00	
5. Gravel Sidewalk	280	CY	\$76.39	\$19,861.40	\$85.00	\$22,100.00	\$122.00	\$31,720.00	\$63.00	\$16,380.00	
6. 12" HDPE Storm Drain	540	LF	\$28.36	\$15,314.40	\$155.00	\$83,700.00	\$45.00	\$24,300.00	\$150.00	\$81,000.00	
7. Reset 30" Concrete Storm Drain	15	LF	\$187.20	\$2,808.00	\$320.00	\$4,800.00	\$535.00	\$8,025.00	\$480.00	\$7,200.00	
8. Field Basin	1	EA	\$5,288.00	\$5,288.00	\$8,900.00	\$8,900.00	\$3,300.00	\$3,300.00	\$5,500.00	\$5,500.00	
9. Common Excavation	350	CY	\$24.90	\$8,715.00	\$70.00	\$24,500.00	\$35.00	\$12,250.00	\$40.00	\$14,000.00	
10. 12" to 18" Rip Rap	5	CY	\$151.20	\$756.00	\$95.00	\$475.00	\$420.00	\$2,100.00	\$200.00	\$1,000.00	
11. Bituminous Asphalt Curbing	860	LF	\$18.00	\$15,480.00	\$40.00	\$34,400.00	\$35.00	\$30,100.00	\$21.00	\$18,060.00	
12. Detectable Warning Fields	16	SF	\$171.60	\$2,745.60	\$150.00	\$2,400.00	\$215.00	\$3,440.00	\$200.00	\$3,200.00	
13. Striping	1	LS	\$360.00	\$360.00	\$600.00	\$600.00	\$1,200.00	\$1,200.00	\$2,000.00	\$2,000.00	
14. Mobilization	1	LS	\$3,000.00	\$3,000.00	\$40,000.00	\$40,000.00	\$7,500.00	\$7,500.00	\$5,000.00	\$5,000.00	
15. Traffic Control	1	LS	\$15,600.00	\$15,600.00	\$39,000.00	\$39,000.00	\$45,000.00	\$45,000.00	\$4,000.00	\$4,000.00	
16. Erosion Control	1	LS	\$18,792.00	\$18,792.00	\$7,500.00	\$7,500.00	\$8,500.00	\$8,500.00	\$3,000.00	\$3,000.00	
				\$174,022.40					\$353,925.00		
				\$221,234.15					\$498,250.00		
				\$306,725.00					\$252,530.00		
				\$198,675.00							

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2024-A185

October 8, 2024

TITLE: ORDER, AUTHORIZE AMENDMENT TO MAINE PUBLIC EMPLOYEES
RETIREMENT SYSTEM PLAN FOR CERTAIN FIREFIGHTERS.

Filed October 1, 2024
By Michele Daniels

WHEREAS, to retain and attract quality firefighters and in accordance with recently completed union contract negotiations, the City of Brewer seeks to amend its retirement plan for fire officers covered by the Council No. 93 AFSCME AFL-CIO Local 1828 collective bargaining agreement as well as nonunion fire employees in the position of Chief, Assistant Chief or Deputy Chief from Maine Public Employees Retirement System (MPERS) Special Plan 2C to Special Plan 3C, which will enhance the competitiveness of Brewer's salary and benefit package; and

WHEREAS, this change would be effective the first of the month following MPERS' receipt of an Amended Agreement signed by the City and be applied to above identified eligible firefighters' service on or after that date only, with all service prior to the effective date remaining under the MPERS Special Plan 2C.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves participation in MPERS Special Plan 3C for its firefighters covered by the Council No. 93 AFSCME AFL-CIO Local 1828 collective bargaining agreement as well as nonunion fire employees in the position of Chief, Assistant Chief or Deputy Chief, for future service only, service rendered prior to the effective date of the plan change will remain under Special Plan 2C; and

BE IT FURTHER ORDERED, that the City Council authorizes the City Manager, or his designee, to sign the Amended Agreement between the City and the Maine Public Employees Retirement System.

Statement of Fact: This order is needed to implement a change included in the new Council No. 93 AFSCME AFL-CIO union contract for fire officers. The change enhances the City's ability to attract and retain fire officers by amending the retirement plan for fire officers and the fire chief from Special Plan 2C to Special Plan 3C, effective the first of the month following MPERS' receipt of an Amended Agreement.

2024-B041

October 8, 2024

TITLE: RESOLVE, RATIFY BREWER FIRE DEPARTMENT COMMAND OFFICERS
COLLECTIVE BARGAINING CONTRACT.

Filed October 1, 2024
By Dani O'Halloran

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WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the command officers of the Brewer Fire Department has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties; and

WHEREAS, the collective bargaining agreement would be retroactively effective July 1, 2024 and run through June 30, 2027.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

Statement of Fact: This order ratifies, on behalf of the City of Brewer, the collective bargaining agreement between the City and the unit representing the command officers of the Brewer Fire Department. This agreement will be in effect until June 30, 2027.

2024-A186

October 8, 2024

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT WORKSTATIONS
FOR BREWER POLICE DEPARTMENT PATROL.

Filed October 1, 2024

By William Kimball

WHEREAS, the workstations in the Brewer Police Department patrol room are all at least five years old, at the end of their useful lives, and running the Windows 10 operating system that Microsoft is sunsetting next year; and

WHEREAS, the approved Fiscal Year 2025 (FY25) Capital Improvement Program (CIP) includes funding to replace these workstations; and

WHEREAS, after soliciting quotes from five vendors, the Brewer Technology Department recommends purchasing 12 replacement workstations from GovConnection for a total cost of \$23,783.63; and

WHEREAS, the GovConnection quote offers the advantage of providing workstations above the specifications required for shared patrol workstations at a substantial savings compared to other vendors and timely delivery of the equipment.

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NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to approve a purchase order for 12 replacement workstations for the Brewer Police Department from GovConnection; and

BE IT FURTHER ORDERED, that costs for this purchase be charged to CIP account 0510132-551213 (Police Computer Replacement) to be funded by \$20,100 in American Rescue Plan Act (ARPA) monies and \$3,683.63 in CIP reallocations as included in the FY25 CIP approved by the City Council in June 2024; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of this equipment.

Statement of Fact: This order authorizes the purchase of 12 computer workstations from GovConnection for the police patrol room. These workstations come with a cost savings of approximately \$7,000 compared to other vendors and will be shipped and received in a timely manner allowing the replacement project to be completed before December 2024, ensuring Brewer Police Department patrol officers will be able to continue to work without interruption. These workstations are built beyond the specifications needed for shared patrol machines to ensure maximum life and usability.

2024-A187

October 8, 2024

TITLE: ORDER, ACCEPT FISCAL YEAR 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS.

Filed October 1, 2024
By Soubanh Phanthay

WHEREAS, the Brewer Police Department has received a grant for \$693.85 through the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) program that requires no local matching funds; and

WHEREAS, this grant is designated to support Police Department training costs.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts these grant funds and authorizes their deposit into account #0600058-360000-58068 (2021 Byrne JAG Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds in accordance with the grant terms from account #0600058-560000-58068 (2021 Byrne JAG Grant Expense).

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Statement of Fact: This order accepts a \$693.85 grant from the U.S. Department of Justice for training costs and authorizes its expenditure.

ACTION: Councilor Kimball asked that Resolve 2024-B040 be removed from the consent calendar. Councilor Phanthay moved that the orders on the consent calendar have passage and that the resolve be adopted. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

2024-B040

October 8, 2024

TITLE: RESOLVE, APPROVE USE OF SCHOOL CAPITAL RESERVE FUNDS FOR
BREWER COMMUNITY SCHOOL TRACK IMPROVEMENTS.

Filed October 2, 2024
By Dani O'Halloran

WHEREAS, in June 2021, the Brewer City Council adopted 2021-B006 approving the Brewer School Department's establishment of a capital reserve account for major maintenance and improvements to school facilities; and

WHEREAS, on July 12, 2022, January 17, 2023 and January 9, 2024, the City Council approved the transfers of \$400,000, \$500,000 and \$100,000 respectively into the Capital Reserve Account; and

WHEREAS, on October 7, 2024, the Brewer School Committee approved the use of \$66,500 of the Capital Reserve Account balance to replace the discus netting system at the Brewer Community School (BCS) track complex; and

WHEREAS, expenditures from the School Capital Reserve Fund are subject to final review and approval by the City Council.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby approves the Brewer School Department's use of \$66,500 from its Capital Reserve Fund for Brewer Community School track complex improvements.

Statement of Fact: This order approves the School Department's use of \$66,500 from its Capital Reserve Fund for the replacement of the discus net system at the BCS track. The current netting system has become old and worn, causing some failures in the net allowing a thrown discus to exit the boundary area, which is a safety concern. The net will be replaced with metal poles and galvanized chain link fencing and will be a longer lasting solution than a nylon net system. The City Council has final review and approval of School Committee expenditures from this fund.

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Councilor Kimball asked if \$66,500 was an excessive amount to replace discus netting, and how they had arrived at that number. City of Brewer Finance Director Karen Fussell admitted that she did not know specifically, but having attended the School Committee meeting where the project received initial approval, the Finance Director noted the School Committee's concern that this was an expensive project, but that the Committee had evaluated a variety of options and that they felt that this was the best way to proceed.

ACTION: Councilor Kimball moved that the resolve be adopted. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

D. Monthly Reports

ACTION: Councilor Daniels moved that the monthly reports from department heads be accepted and placed on file. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

**E. Nominations, Appointments, Elections
Consent Calendar**

2024-B042

October 8, 2024

TITLE: RESOLVE, DECLARE A VACANCY ON THE LIBRARY BOARD OF TRUSTEES OF THE CITY OF BREWER FOR THE UNEXPIRED TERM OF SARI OHMART.

Filed September 16, 2024
By Dani O'Halloran

WHEREAS, Brewer Library Board of Trustees Member Sari Ohmart passed away on September 13, 2024; and

WHEREAS, Ms. Ohmart's appointment to the Board was not set to expire until March 31, 2026; and

WHEREAS, the City Council must declare a vacancy on the Library Board of Trustees before proceeding to fill the seat for the unexpired term of Sari Ohmart.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith declares that a vacancy will exist on the Library Board of Trustees of the City of Brewer for the unexpired term of Sari Ohmart.

City Council Minutes
Tuesday, October 8, 2024

Statement of Fact: Brewer Library Board of Trustees Member Sari Ohmart recently passed away. This resolve declares a vacancy on the Library Board of Trustees.

2024-B043

October 8, 2024

TITLE: RESOLVE, ACCEPT RESIGNATION OF ERICA VEAZEY FROM THE CITY OF BREWER BOARD OF ASSESSMENT REVIEW.

Filed September 17, 2024
By William Kimball

WHEREAS, Erica Veazey submitted her resignation from the City of Brewer Board of Assessment Review via electronic mail on September 17, 2024; and

WHEREAS, the Brewer City Council must vote to accept this resignation and declare a vacancy before proceeding to fill the vacancy for the unexpired term of Erica Veazey.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith accepts the resignation of Erica Veazey as a Member of the City of Brewer Board of Assessment Review and declares that a vacancy will exist on the Board of Assessment Review for a member.

Statement of Fact: Board of Assessment Review Member Erica Veazey recently moved out of Brewer and resigned her appointment to the Board.

2024-A188

October 8, 2024

TITLE: ORDER, APPOINT ADDITIONAL DEMOCRATIC ELECTION CLERKS.

Filed October 1, 2024
By Soubanh Phanthay

BE IT ORDERED, that the following Brewer registered voters are herewith appointed as Democratic City Election Clerks for a term commencing October 13, 2024 and expiring April 30, 2026.

Constance Holden	108 Chamberlain Street
Janet McIntosh	40 Park Avenue East
Kevin O'Connell	7 Sites Lane

Statement of Fact: Elections Clerks are appointed in May of even numbered years. This order adds additional clerks to the roster of election clerks for the remainder of the current term.

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2024-A189

October 8, 2024

TITLE: ORDER, APPOINT ADDITIONAL REPUBLICAN ELECTION CLERKS.

Filed October 1, 2024
By Soubanh Phanthay

BE IT ORDERED, that the following Brewer registered voters are herewith appointed as Republican City Election Clerks for a term commencing October 13, 2024 and expiring April 30, 2026.

Carol Craig	66 Washington Street
Patrick Decker	15 Rotherdale Road
Kim Parlee	210 Elm Street
Cheryl Whalen	271 Chamberlain Street
Michael Whalen	271 Chamberlain Street

Statement of Fact: Elections Clerks are appointed in May of even numbered years. This order adds additional clerks to the roster of election clerks for the remainder of the current term.

2024-A190

October 8, 2024

TITLE: ORDER, APPOINT ADDITIONAL REPUBLICAN ELECTION CLERK.

Filed September 12, 2024
By Soubanh Phanthay

BE IT ORDERED, that the following Brewer registered voter is herewith appointed as a Republican City Election Clerk for the term commencing May 1, 2024 and expiring April 30, 2026:

Alecia Walker	138 Chamberlain Street
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Statement of Fact: Elections Clerks are appointed in May of even numbered years. This order corrects an error that caused a clerk to be omitted from the original list of appointees.

2024-B044

October 8, 2024

TITLE: RESOLVE, CONFIRM CITY CLERK'S APPOINTMENT OF WARDENS.

Filed September 12, 2024
By Soubanh Phanthay

City Council Minutes
Tuesday, October 8, 2024

WHEREAS, under Chapter 3 of the City of Brewer Charter, Codes and Ordinances, entitled “City Clerk”, Section 103 “Appointments”, the City Clerk is authorized to appoint wardens and ward clerks to preside over the City’s voting district; and

WHEREAS, such appointments are subject to confirmation by the City Council; and

WHEREAS, the City Council concurs with these appointments of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk appoints and reappoints the following as election wardens for the City of Brewer:

Janet Cammack	46 Alan-A-Dale Road
Melissa Snow	74 Grove Street
Alecia Walker	138 Chamberlain Street
Edward Youngblood	735 North Main Street

; and

BE IT FURTHER RESOLVED, that the City Clerk’s appointment of wardens is herewith confirmed by the City Council.

Statement of Fact: The City Clerk is authorized to appoint wardens to preside over the City’s voting district. This resolve accepts the City Clerk’s appointment of wardens.

2024-A191

October 8, 2024

TITLE: ORDER, APPOINT MEMBER TO THE BOARD OF APPEALS OF THE CITY OF BREWER.

Filed October 3, 2024
By Dani O’Halloran and
Jenn M. Morin

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, this appointment to the City of Brewer Board of Appeals must be made as soon as possible so that the business of the Board can be conducted without delay.

NOW, THEREFORE, BE IT ORDERED, that Manley DeBeck of 25 Goupee Street is herewith appointed to the Board of Appeals of the City of Brewer for the unexpired term ending March 31, 2026; and

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BE IT FURTHER ORDERED, that Mr. DeBeck's term will commence immediately and expire March 31, 2026.

Statement of Fact: This order appoints Manley DeBeck to the Board of Appeals for the unexpired seat which ends in March of 2026.

ACTION: Councilor O'Halloran moved that the orders on the consent calendar have passage and that the resolves be adopted. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

The city clerk swore in newly appointed City of Brewer Board of Appeals Member Manley DeBeck.

Councilor Daniels expressed her sympathy to the family of Sari Ohmart.

F. Unfinished Business

2024-C014

September 18, 2024

TITLE: ORDER, REPLACE CHAPTER 11GA OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "GENERAL ASSISTANCE ORDINANCE", BY COMPLETE SUBSTITUTION.

Filed September 13, 2024
By Michele Daniels

BE IT ORDAINED, by the Brewer City Council that Chapter 11GA, of the Charter, Codes and Ordinances of the City of Brewer, entitled "General Assistance Ordinance", be amended as follows:

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~~Subtracting Value~~ September 2024



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

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ARTICLE I

– Statement of Policy

The Municipality of Brewer administers a ~~program of~~ general assistance ~~(“GA”)~~ program available to all persons who are eligible ~~to receive assistance in accordance with~~ pursuant to the standards ~~of eligibility as~~ provided within this ordinance, state law (22 M.R.S. § § 4301-4326), and Department of Health and Human Services (DHHS) GA policy and in 22 M.R.S.A. § 4301 et seq regulations.

~~Every~~The program will make every effort ~~will be made~~ to recognize the dignity of ~~the applicant~~ applicants while ~~encouraging self-reliance. The program will strive to help~~ helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, ~~it will seek to alleviate needs other than financial through~~ the program will connect recipients with rehabilitative, preventive, and protective services: to alleviate non-financial needs. The ~~general assistance~~ GA program will not place ~~no~~ unreasonable restrictions on the personal rights of ~~the applicant~~ applicants or ~~recipient~~ recipients, nor will ~~there be any unlawful discrimination~~ it discriminate based on sex, age, race, nationality, religion, sexual orientation, or disability. ~~–~~ The municipality is committed to including qualified individuals with disabilities, in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the ~~municipal~~ GA program are encouraged to ~~provide~~ contact the municipality ~~with advance notice regarding the~~ to make an accommodation request.

The ~~general assistance administrator~~ program provides trauma-informed services and culturally and linguistically appropriate services to all applicants. “Trauma-informed services” means services that acknowledge and are informed by the widespread effects of trauma and recognize the potential paths for recovery;

recognize the unique signs and symptoms of trauma in applicants, clients, families and staff; respond by fully integrating knowledge about trauma into policies, procedures and practices; and seek to actively avoid retraumatization. “Culturally and linguistically appropriate services” means services that are designed to serve culturally diverse populations in a person’s preferred language; function effectively within the context of cultural beliefs, behaviors and needs presented by a person who applies to or is a recipient of assistance from the program and the person’s community; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with applicants and recipients; actively support and enable recipients to make informed choices; and value and facilitate the exchange of information with recipients. (22 M.R.S. § 4305(7)).

The Administrator will act promptly on all applications for assistance and requests for fair hearings: and will provide GA applicants ~~will be provided with~~ information regarding their rights and responsibilities under the ~~GA~~ program. Within 24 hours after receipt of ~~receiving~~ an application, the ~~administrator~~Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The ~~administrator~~Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the ~~administrator~~Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (~~see section~~Ordinance § 5.6 of this ordinance).

The ~~administrator~~Administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law (~~see .~~ (22 MRSA § M.R.S. § 4306)).

The ~~administrator~~Administrator will post notice stating that any person may apply for general assistance during the ~~day(s) and~~ municipality’s regular business hours ~~the~~

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~~administrator will be available.~~ The ~~administrator~~Administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be readily available to any member of the public upon request. Notice to this effect will be posted.

The Administrator will complete training including, but not limited to, the purpose of the general assistance program, the delivery of trauma-informed services and culturally linguistically appropriate services as defined above, and the laws governing the general assistance program’s administration, procedures, and requirements no later than 120 days after appointment or election. (22 M.R.S. 4302- A).

ARTICLE II

– Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Administrator. See “General Assistance Administrator,” below.

Applicant. A person who has submitted, ~~either an application for GA~~ directly or through an authorized representative, ~~an application for general assistance~~ or who has, in an emergency, requested assistance without first completing an application. ~~In addition,~~ ~~at~~ All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the ~~general assistance administrator for the purpose of allowing~~ Administrator to allow a person to apply for ~~general assistance and confirming the fact~~ GA benefits. The application form also confirms that a person has made an application. The application form ~~must be~~ is not complete unless signed by the applicant ~~to be considered complete.~~

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non- elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work-related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant’s place of residence, and any other commodity or service determined essential by the municipality.

“Basic necessities” do not include:

- Phone bills
- Mail orders
- Cable or satellite dish television
- Vehicle payments

- Credit card debt**
- Furniture
- Loan re-payments**
- Cigarettes
- Alcohol
- Pet care costs
- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except ~~for those situations~~ wherewhen no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between ~~the~~ landlord and tenant to ~~satisfy the~~avoid need for ~~the~~ immediate payment of the security deposit ~~or payment in full~~). (22 M.R.S.A. ~~§~~ § 4301(1)).

** Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions ~~as well as the~~and types and amounts of assistance provided; ~~and all~~ records concerning an applicant's request for fair hearing; ~~and those~~ fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household ~~as provided in section~~(see Ordinance § 6.8 of this ordinance) less the household income ~~as~~(calculated pursuant to section Ordinance § 6.7 of this ordinance), provided ~~such that this~~ calculation yields a positive number. If the

household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S.A. § 4301(2)).

Earned Income. Wages or Income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.

Eligible Person. A person who is qualified to receive general assistance GA benefits from the municipality according to the standards of eligibility set forth standards in this ordinance Ordinance, Maine law (22 M.R.S.A. ~~§ 4301~~ ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, “Eligible Person” includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3)); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. “Eligible Person” does not include a fugitive from justice as defined in 15 M.R.S. § 201(4). (See “Pursuing a Lawful Process,” below)

Emergency. Any life -threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality’s option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S.A. ~~§ §~~ § § 4301(4), 4308(2), 4310).

General Assistance (“GA”) Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance GA program

provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing “grant-in-aid” or “categorical” welfare program. This definition shall not ~~in any way~~ lessen the municipality’s responsibility ~~of each municipality~~ to provide ~~general assistance~~GA benefits to a person each time that the person is in need and is found to be ~~otherwise~~ eligible to receive ~~general assistance~~GA. (22 M.R.S.~~A~~. § 4301(5)).

General Assistance (“GA”) Benefits. Benefits provided to a person through the GA program.

General Assistance (“GA”) Administrator. A municipal official designated to receive applications, make decisions concerning an applicant’s right to receive assistance, and prepare records and communications concerning assistance. ~~He or she~~ They may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S.~~A~~. § 4301(12)).

Homelessness. “Homelessness” means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person’s or household’s primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

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 shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S.A. § 4301(6)). Residents of a Recovery Residence are not considered a shared household.

Income. “Income” means any form of earned or unearned income in cash or in kind received by the household including:

- Net remuneration for services such as, TANF, Supplemental Security performed;_i Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation_i);
- Cash received on either secured or unsecured credit;_i
- Payments received as an annuity, retirement or disability benefits;_i
 - Court ordered support payments, (e.g., child support_i);
- Veterans’ pensions and/or benefits;_i
 - ~~Income from pension or trust funds~~
- Retirement accounts or benefits;_i
- Workers’ compensation payments;_i
 - Household income from any other source, including relatives or unrelated household members; and
- Unemployment benefits;_i
 - Student loans
- Federal and/or state tax returns;_i
- Income from pension or trust funds;_i
- Student loans;_i
 - Rental income_i
- Benefits under any state or federal categorical assistance program

The following items ~~shall~~will not be considered as income or assets that must be liquidated for the purposes of deriving income:

- ~~1)~~ Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;

- ~~___ 2)~~ 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~~childcare expenses; or
- ~~___ 3)~~ 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 shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S.A. § 4301(7)).

- ~~___ 4)~~ Certain Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. ~~-~~These programs include:
 - ~~Food Stamps~~Supplemental Nutrition Assistance Program (SNAP) (7 ~~USCSU.S.C.~~ § 2017(b))
 - Li-Heap (42 ~~USCSU.S.C.~~ § 8624)
 - Family Development Accounts (22 M.R.S. § 3762)
 - ~~Americorp~~AmeriCorp VISTA program benefits (42 ~~USCSU.S.C.~~ § 5044 (f))
 - Property tax rebates issued under the Maine ~~Residents~~ Property Tax ~~Program~~ (AKA “Circuitbreaker” Program) ~~(36 Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S.A. § 6216) § 4301(7))~~
 - ~~Aspire~~ASPIRE Support Service Payments (10-144 CMR Chapter 323)

Initial Applicants. ~~Applicant.~~ A person who has not previously applied for GA assistance in this or any other municipality ~~are considered initial applicants.~~

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing. (22 M.R.S.A. ~~§ §~~ § § 4301(8), 4316-A(5)).

Landlord. A person who owns a property and allows another person to use that property in return for payment. (22 M.R.S. § 4301(8-B)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after ~~payment of~~ required deductions ~~have~~ been ~~made~~taken from the gross lump sum payment. A lump sum payment does not include conversion of a ~~nonliquid~~non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 ~~M.R.S.~~M.R.S. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's ~~general assistance~~GA eligibility, and which would, if disclosed to the ~~administrator~~Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in ~~section~~Ordinance § 6.8 ~~of this ordinance~~ or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (~~see 22 M.R.S. § 4316-A~~), misconduct shall have the same meaning as "misconduct defined" in 26 ~~M.R.S. § 1043-(23)~~. ~~-(See Ordinance Appendix I of this ordinance for the official definition of misconduct.)~~ Generally, ~~employees are guilty of~~ misconduct occurs when ~~the~~an employee violates ~~his or her duties or their~~ obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interest may also be found guilty of misconduct.

Misspent Income. Misspent income includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of

bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous 30-day period.

Municipality. Any city, town or plantation administering a general assistanceGA program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application. (22 M.R.S.A. ~~§ §~~ § § 4301(9), 4307).

Need. The condition whereby a person's income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance. (22 M.R.S.A. ~~§ §~~ § § 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the general assistanceGA program. (22 M.R.S.A. ~~§ §~~ § § 4301(11), 4311).

Operator. The lawful owner of a recovery residence or an individual or company designated by the lawful owner to have primary responsibility for the day-to-day operations of the recovery residence and for acquiring and maintaining certification pursuant to Title 5, section 20005, subsection 22 of the recovery residence in order to receive housing assistance payments through the general assistance program. (22 M.R.S. § 4301(11-A)).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided,; however, in no event shall this period extend beyond one month. (22 M.R.S.A. ~~§~~ § 4309(1)).

Pooling of Income. “Pooling of income” means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. ~~Municipalities may by This ordinance establish a~~establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income: , except that applicants that who request assistance while residing in a Recovery Residence are not considered to be commingling funds. Applicants who ~~are requesting~~request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Potential Resources. Sources of financial assistance, including programs, services, non-liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Pursuing a Lawful Process to Apply for Immigration Relief. Taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 C.M.R. ch. 323, for additional guidance).

Real Estate. Any land, buildings, homes, mobile homes, and any other things affixed to the land. (22 M.R.S.A. § 4301(13)).

Recipient. ~~-A person who has applied for and is currently receiving general assistance:GA.~~

Recovery Residence. “Recovery residence” means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Rehabilitation Facility. An inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical services and other services that are provided under competent professional supervision.

Repeat Applicants. ~~All applicants for general assistance~~ GA benefits that are not initial applicants are repeat applicants. For purposes of this ordinance “repeat” and “subsequent” shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home, and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality, or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if ~~he/she is~~ they are eligible, until ~~he/she establish~~ they establish a new residence in another municipality. (22 M.R.S. ~~A.~~ § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for ~~general assistance.~~ GA. There are two kinds of resources: “available” and “potential”. ~~– Potential resources are programs, services, non-~~ liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include, but are not limited to ~~any,~~ state or federal assistance ~~program~~ programs, employment benefits, governmental or private pension ~~program~~ programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S. ~~A.~~ ~~§~~ § 4317). Potential resources

include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the ~~GA administrator~~Administrator, a ~~necessary~~ minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The ~~municipal GA administrator~~Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities: ~~Although GA applicants/recipients may be informed of the existence of a charitable resource and/or organization, GA eligibility; however, eligibility for GA benefits~~ shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unearned Income. Unearned income is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

Unforeseen Repeat Applicants. ~~Are~~A repeat ~~applicants~~applicant who ~~have~~has not applied for assistance within the last twelve months and who ~~have~~has been regularly

employed or receiving support from a public benefit program or private source and who ~~have~~has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant’s unmet need is the household’s 30-day need ~~as~~ (established by ~~section Ordinance § 6.6 of the ordinance~~) less the household income ~~as~~ (calculated pursuant to ~~section Ordinance § 6.7 of this ordinance,~~), provided such a calculation yields a positive number. If the household income is greater than the household’s 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are ~~those~~ obligations the ~~municipal administrator~~Administrator places on applicants ~~for general assistance~~ as directed and/or authorized by 22 M.R.S. ~~A~~ § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for ~~general assistance~~GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III – Administrative Rules and Regulations

Administrative Rules and Regulations

~~The following are rules and regulations for the administration of general assistance:~~

Section 3.1—Confidentiality of Information

Case records and all other information relating to ~~ana GA~~ GA applicant or recipient ~~of general assistance~~ are confidential and will not be disclosed to the general public, ~~unless the applicant or recipient states in writing what information is to be released.~~ (22 M.R.S.A. ~~§~~ § 4306).

Release of Information. Applicants, recipients, and their legal representatives have the right to review their case records. No record will be released to a third party, ~~however,~~ unless the ~~administrator~~ Administrator receives a signed consent form signed by in which the applicant expressly authorizing/authorizes the release of ~~his or her~~ their records to the specified parties. Whenever the ~~administrator~~ Administrator releases any information, ~~he/she/they~~ will make a notation in the applicant's file stating to whom the record was released and the date. The ~~administrator~~ Administrator may charge a reasonable fee for ~~the~~ reproduction of any records ~~when appropriate.~~

Information from Other Sources; Penalty. Information concerning an applicant or recipient furnished to the municipality by ~~the Department of Health and Human Services~~ DHHS or any other agency or institution pursuant to 22 ~~M.R.S.A.~~ M.R.S.A. § 4314, is confidential. The ~~general assistance administrator~~ Administrator will also comply with laws relating to the requiring confidentiality of vital statistic records such as ~~those concerning~~ birth, marriage, and death records. (22 M.R.S.A. § 2706).

Any representative of a financial institution (~~except national banks~~) or any employer of a ~~general assistance~~ GA applicant who, upon receipt of a written release signed by the depositor/employee and a written request from the Administrator, refuses to provide necessary information to the ~~administrator~~ Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt

of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the ~~administrator is committing~~Administrator commits a Class E crime. (22 M.R.S.A. ~~§ §~~ § § 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense. (22 M.R.S.A. ~~§~~ § 42(2)).

Section 3.2—Maintenance of Records

The ~~general assistance administrator~~Administrator will ~~keep~~maintain complete and accurate ~~general assistance program~~ records. (22 M.R.S.A. ~~§~~ § 4306). These records are necessary to:

- (a) provide a valid basis of accounting document and account for municipal program expenditures;
- (b) document and support decisions concerning an applicant or recipient; applicants and recipients; and (c) ensure ~~the availability of all~~ relevant information ~~in the event of a~~ available for any fair hearing or judicial review of ~~a decision by the general assistance administrator~~the Administrator's decisions.

Case Records. The ~~administrator~~Administrator will ~~establish and~~ maintain a separate case record, ~~either~~ in paper ~~format~~ or digital format, for each applicant or recipient. Each case record will include at least:

- household applications;
- household budget sheets;
- ~~information concerning~~ the types and amounts of assistance provided;

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- narrative statements assistance, the results of home visits, describing the nature of the collateral information, referrals, changes in emergency situation whenever status;
- ~~general assistance~~GA is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general
 - client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
 - adjustments in aid, and suspension or termination of eligibility;
 - physician's documentation;
 - Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and
 - vendor forms

Case records will not include information ~~or material~~ that is irrelevant to ~~either~~ the applicant's or recipient's application or the ~~administrator's~~Administrator's decisions.

Retention of Records. ~~General assistance~~ GA records shall be retained for ~~a minimum of at least~~ three full years. The three ~~-~~year period shall coincide with the ~~State's~~state government's fiscal year which begins July 1 and ends on the following June 30.

Records may be destroyed after three years by ~~one of the two preferred methods of destruction for confidential records, i.e.,~~ supervised shredding, burning or an appropriate digital deletion/destruction process. ~~In the event~~If a ~~client's~~recipient's records contain SSI reimbursement forms, the ~~client's~~recipient's records should be ~~maintained~~retained so that the municipality may seek reimbursement.

ARTICLE IV

– Application Procedure

Section 4.1—Right to Apply

Who May Apply. ~~Anyone~~Any person may apply for ~~general assistance. GA.~~ The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations ~~as provided in section (see Ordinance § 4.9 of this ordinance)~~ or ~~except~~ when the applicant ~~is a resident of~~resides at an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents ~~to be~~ eligible for ~~general assistance~~GA benefits. (22 M.R.S.A. ~~§ §~~ § § 4304(3)). In such cases, the ~~administrator~~Administrator may require a representative to present a signed statement documenting that ~~he/she is in fact~~they are authorized to apply ~~for general assistance~~ on behalf of the named applicant. The applicant or representative must complete a written application and any other ~~required~~ forms ~~so that~~necessary for the ~~administrator can~~Administrator to determine eligibility. (22 M.R.S.A. ~~§ §~~ § § 4305, 4308). With notice, all members of the household receiving ~~general assistance~~GA may be required to physically present themselves to the ~~administrator~~Administrator. Note that fugitives from justice are ineligible for GA benefits.

~~Application Via Telephone.~~ Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of ~~child care~~childcare, lack of transportation or other good cause, and ~~he/she~~they cannot send an authorized representative, the ~~administrator~~Administrator will accept an application by telephone. The telephone application ~~process will include the administrator receiving~~is subject to written verification by mail and ~~visiting~~a visit to the applicant's home with ~~his or her~~their permission. (22 M.R.S.A. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines. ~~The administrator, and the Administrator~~ will make an independent determination of eligibility for ~~general assistance~~GA each time a person applies. (22 M.R.S.A. ~~§ §~~ § § 4308, 4309).

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Applications Accepted; Posted Notice. ~~Application forms will be available~~ Any person may apply for general assistance during the municipality's regular business hours ~~at the municipal office and when the general assistance administrator is conducting interviews with applicants.~~ Notice. In an emergency, however, the Administrator or their designee will be available to accept applications for assistance whenever necessary.

The municipality will be ~~posted~~ post notice stating ~~when~~ the times and location where people may apply for assistance and ~~the name of the administrator~~ contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall ~~include the fact~~ state that the municipality must issue a written decision on all applications within 24 -hours, and will include the DHHS toll-free telephone ~~numbers~~ number for reporting alleged violations or complaints. ~~Completed applications will be accepted and interviews given only during the regular hours established and posted by the administrator. In an emergency, however, the administrator or his or her designee will be available to accept applications for assistance whenever necessary~~ (22 M.R.S.A. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the ~~general assistance administrator~~ Administrator will interview each applicant ~~personally~~ in person before making a decision. ~~The interview~~ Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 4.3—Contents of the Application

~~At a minimum, the~~ An application ~~will~~ must contain the following ~~mandatory~~ information:

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- a) ~~the~~ applicant's name, address, date of birth, ~~Social Security number~~ SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
- b) ~~the~~ names, date(s) of birth, and ~~Social Security number~~ SSN(s) or appropriate USCIS documentation of other household members for whom the applicant ~~is seeking~~ seeks assistance;
- c) ~~the~~ total number of individuals living with the applicant;
- d) employment and employability information;
- e) ~~a listing of~~ all household income, resources, assets, and property;
- f) ~~the applicant's~~ household expenses;
- g) ~~the~~ types of assistance ~~being~~ requested;
- h) ~~a statement of the~~ penalty for false representation;
- i) ~~the~~ applicant's permission for the Administrator to verify information;
- j) ~~the~~ signature of applicant and date.

~~In the event~~ If an initial applicant is unable to provide identification records (e.g., ~~Social Security~~ SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant ~~may be provided~~ a reasonable amount of time, (e.g., five working days, in order), to obtain copies of identification records. ~~–~~ Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA ~~required~~ benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the municipality Administrator may ~~elect~~ to provide ~~only~~ a prorated amount of GA, ~~–~~ (e.g., five day's days' worth,), while the applicant ~~proceeds~~ attempts to obtain the required information.

Section 4.4 – ~~General Assistance~~ GA Administrator's Responsibilities at the Time of ~~the~~ Application

The ~~administrator~~ Administrator will ~~make every effort to~~ inform all applicants of: (1) their rights and responsibilities ~~as well as the~~; (2) general program requirements ~~associated with~~ for applying for and receiving ~~general assistance, including~~ GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The ~~administrator~~Administrator will help ~~the applicant fill out the applicants complete~~ application ~~form as described in the preceding section.~~ The ~~administrator will~~forms and inform ~~the applicant~~applicants of any other information or documentation that the applicant will have to provide in order for the ~~administrator~~documents necessary to evaluate the applicant's eligibility ~~for assistance.~~ The ~~administrator~~Administrator will fully explain the purpose of any forms consenting to release of the applicant's information ~~form or and any benefit~~ reimbursement ~~agreement~~agreements before ~~seeking to obtain~~the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The ~~administrator~~Administrator will inform the applicant, either ~~verbally~~orally or in writing, ~~the applicant~~ of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- ~~the financial~~ reduction in assistance that ~~is the consequence of~~results from spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The ~~administrator~~Administrator will inform all applicants of their ~~rights~~right to:

- review the municipal ~~General Assistance~~GA ordinance and Maine ~~General Assistance law~~GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-~~hours of applying for assistance~~after application;
- confidentiality~~;~~ of the application and other records;

- contact the DHHS; with complaints;
- challenge the ~~administrator's~~ Administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The ~~administrator~~ Administrator will inform the applicant/recipient that ~~he/she~~ they must reimburse the municipality ~~for~~ the amount of ~~general assistance he/she has~~ GA benefits they have been granted ~~in~~ if they subsequently have the ~~event of a subsequent~~ ability to pay. The municipality may also, as appropriate, contact ~~the client's~~ and inform the applicant/recipient's legal representative ~~to inform him or her~~ of the ~~client's~~ recipient's obligation to repay the municipality ~~under the GA program.~~ In addition to seeking repayment from a recipient, the.

The municipality may also ~~may~~ recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support ~~(spouses, , such as a spouse, or the~~ parents of persons under the age of 25, ~~see. (See~~ Article VIII, "Recovery of Expenses")). (22 M.R.S.A. ~~§ §~~ § § 4318, 4319). Whenever applicable, the ~~ā~~ Administrator will explain the ~~various~~ liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "~~interim assistance agreement~~ Interim Assistance Agreement" lien, ~~as these liens are~~ described in Article VIII, "Recovery of Expenses".."

Section 4.5—Responsibilities of the Applicant at ~~the~~ Time of Application

The applicant ~~has the responsibility at the time of each application~~ is responsible to provide accurate, complete, and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support

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- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S.A. ~~§ §~~ § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a)- has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;
- b)- has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
- c) has made use of all available and potential resources when directed in writing to such a program by the ~~administrator~~Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d)- has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the ~~administrator~~Administrator, in order to diminish the applicant’s need for general assistance. (22 ~~M.R.S.A. § §~~ § § 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The ~~general assistance administrator~~Administrator will ~~give~~issue a written decision ~~to the applicant~~ concerning ~~his or her~~the applicant’s eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to ~~section~~Ordinance § 5.6 ~~of this ordinance~~) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S.A. ~~§ §~~ § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator’s written decision will contain ~~the following~~ information:

- a) the type and amount of ~~aid the applicant is being~~ benefits granted, or the applicant's ineligibility for benefits;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the Administrator's decision;
- d) the applicant's right to a fair hearing; and
- e) the applicant's right to notify the DHHS if ~~he/she believes~~ they believe the municipality has acted illegally. (22 ~~M.R.S.A.~~ § 4321).

Section 4.7—Withdrawal of an Application

An application ~~is~~ will be considered withdrawn if: -

- a) ~~the~~ the applicant requests in writing that ~~his or her~~ the application be withdrawn; or
- ~~b) if~~ if the applicant refuses to complete or sign the application or any other ~~form~~ document needed by the ~~general assistance administrator~~ Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the ~~general assistance administrator~~ Administrator may temporarily refuse to accept applications. Such circumstances ~~may~~ include, but are not limited to, the following:

- a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave, ~~and~~ if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when ~~his or her~~ their conduct is under control.
- b) If the ~~administrator~~ Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, ~~or if~~ such the applicant's behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, ~~then~~ the applicant may be required to designate a third party to apply for assistance on ~~his or her~~ their behalf and the applicant may be prohibited from entering the municipal building;

- c)- When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that ~~he/she has~~they have been duly authorized to act as a representative for the applicant. (22 M.R.S.A. § 4308).

Section 4.9—Emergencies

An “emergency is considered to be” means any life--threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S.A. ~~§~~ § 4301(4)). ~~Although they may be considered~~ An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive ~~general GA benefits, unless they are disqualified as provided below,~~ emergency assistance, ~~persons who apply for assistance to alleviate an emergency~~ may be granted ~~assistance, except as provided below, if they do not have to~~ applicants who lack sufficient income and resources to meet ~~an actual~~the emergency need and also have not had sufficient income and resources to avert the emergency. (22 M.R.S.A. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the ~~client~~applicant or the municipality.

Disqualification— for Emergency Assistance. A person who is currently disqualified from receiving ~~General Assistance~~GA due to a violation of ~~sections~~Ordinance § § 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 ~~of this ordinance~~ is ineligible to receive emergency assistance. (22 M.R.S.A. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, “dependents” are defined as:

(1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household. (22 M.R.S.A. ~~§~~ § 4309(3)).

~~In the event~~lf one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated ~~as though~~by dividing the maximum level of assistance available to the

~~entire~~ household ~~is comprised of the dependents only, except that all~~ by the total number of household ~~income will be considered available to them~~ members.

Assistance Prior to Verification. -Whenever an applicant informs the ~~administrator~~Administrator that ~~he/she needs~~they need assistance immediately, the ~~administrator~~Administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a)- after interviewing the applicant the ~~administrator~~Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify ~~his or her~~their need. The ~~administrator~~Administrator may contact at least one other person to confirm the applicant’s statements about ~~needing~~his/her need for emergency assistance. -No further assistance will be authorized until the applicant’s eligibility is confirmed. (22 ~~M.R.S.A.~~ § 4310).

Benefits provided prior to verification are limited as follows:

- a) The authorization of benefits may not exceed 30 days.
- b) Until there has been full verification confirming the applicant’s eligibility, further benefit may not be authorized.
- c) The authorization of benefits may not exceed levels of assistance established in 22 M.R.S. § 4308. (22 M.R.S. § 4310(4)).

Telephone Applications. If a ~~person~~ has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the ~~administrator~~Administrator shall accept an application over the telephone. (22 ~~M.R.S.A.~~ § 4304).

~~The administrator~~Assistance will not ~~grant any assistance as the result of~~ be granted after a telephone application if the applicant refuses to allow the ~~administrator~~Administrator to verify ~~the~~ information provided by the applicant either

by visiting ~~his or her~~their home or by mail, and the ~~administrator~~Administrator cannot determine ~~his or her~~ eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If ~~applicants~~an applicant had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, ~~they~~the applicant will not be eligible to receive ~~general assistance~~GA to replace the misspent money. (22 ~~MRSA § §~~M.R.S. § § 4308(2) & 4315-A).

All applicants ~~have the responsibility to~~must provide the ~~administrator~~Administrator with verifiable documentation demonstrating that the applicant ~~did not have~~lacked sufficient income to avert the emergency situation. According to the following criteria, the ~~administrator~~Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

- a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage, or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
- b) The ~~administrator~~Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for ~~his or her~~their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The ~~administrator~~Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, ~~per month,~~ in accordanceconsistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost,

whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

- d)- From the total household costs for basic necessities during the applicable time period, the ~~administrator~~Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance actually received during the applicable time period.
- e) The ~~administrator~~Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.
- f) The ~~administrator~~Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

Section 4.10—Residence

The ~~administrator~~Administrator shall provide ~~general assistance~~GA to all eligible ~~persons applying for assistance~~applicants who are residents of this municipality. A resident is a person who has no other residence ~~and~~, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the ~~administrator~~Administrator will determine ~~his or her~~their eligibility and, if eligible, will grant assistance until ~~he/she establish~~they establish a residence in another municipality. (22 M.R.S.A. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If ~~the administrator~~Administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for ~~30 days after he/she moves provided the recipient remains eligible~~6 months after they move including processing applications and determining eligibility for assistance.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, ~~he/she~~they will be the responsibility of this municipality for up to ~~6~~12 months after ~~he/she enter~~they enter the institution if the conditions of 22 M.R.S.~~A.~~ § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which ~~he/she intend~~they intend to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S.~~A.~~ § 4307(4)).

Temporary Housing. ~~Hotels/motels and similar places of temporary lodging are considered institutions~~ ~~(-above)~~ if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: ~~Municipalities~~ A municipality which illegally ~~deny~~denies housing assistance ~~and will be responsible for the applicant for up to 6 months if,~~ as a result of the denial, the applicant stays in temporary lodging ~~are responsible for the applicant for up to 6 months and .~~ The municipality may also be subject to other penalties. (22 M.R.S.~~A.~~ § 4307(4)).

Disputes. When the ~~administrator~~Administrator believes that an applicant is a resident of another municipality, but that that municipality disputes its responsibility, the administratorAdministrator will notify ~~the DHHS in~~DHHS' Augusta office (287-3654

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or 1-800-442-6003). If the applicant applies in this municipality first, the ~~administrator~~Administrator will determine ~~his or her~~their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If ~~a~~ another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. ~~A. § §~~ § § 4307(5), 4307(6)).

ARTICLE V

– Eligibility Factors

A person will be eligible for ~~general assistance~~GA if ~~he/she~~they are an “Eligible Person” as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. (For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948)).

Section 5.1—Initial Application

Initial Application. For initial applicants, ~~except as provided immediately below~~, need will be the sole condition of eligibility. ~~The exception to this general rule, as provided by law, applies to, except that~~ all applicants, including initial applicants, ~~who~~ are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct (see Ordinance § 5.5) or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4), (22 M.R.S.A. § 1043 (23)) (see section 5.5 of this ordinance). § 4301(3)). An initial applicant is a person who has never before applied for ~~general assistance~~GA in any municipality in Maine. ~~(22 M.R.S.A. § 4308(1)).~~

“Need” means that the applicant’s income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in ~~section~~Ordinance § 6.8 ~~of this ordinance~~ or the applicant’s 30-day need, whichever is less, and ~~he/she doesthey do~~ not have adequate income or other resources available to provide basic necessities.

SubsequentRepeat Applicants. Persons who are not initial applicants are repeat applicants. ~~Repeat applicants; these~~ are ~~people~~persons who have previously applied for ~~general assistance~~GA at anysome time ~~in the past~~. Repeat applicants are ~~also people, including persons~~ on whose behalf a ~~general assistance~~GA application was previously made at any time ~~in the past~~, provided that ~~at such a time~~ the applicant was not a dependent minor in the household. ~~For~~ at the time of the previous application. To be eligible for GA, repeat applicants ~~to be eligible for general assistance, they~~ must be in need and meet all other eligibility requirements. The

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eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.1A – Presumptive Eligibility

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period of presumed eligibility, full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005(22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities. Upon request by a person residing in a certified recovery residence, who has been determined eligible for housing assistance, housing assistance payments will be issued to the operator of the certified recovery residence instead of to a landlord.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify ~~a person from receiving general assistance if the applicant is an~~ otherwise eligible: person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. (7 U.S.C. § 2017 (b)).

In addition, ~~any~~ fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the ~~administrator~~Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with ~~his or her~~their fuel needs. (42 U.S.C. § 8624(f)). ~~The calculation of general assistance for heating energy needs when~~ When an applicant has received HEAP or ECIP ~~shall,~~ GA heating energy needs will be ~~accomplished in~~

~~accordance with~~ calculated pursuant to Ordinance § 6.7, subsection (c) under “Types of Income” ~~at section 6.7 of~~. For several additional exceptions please refer to the definition of “Income” in this ordinance. Ordinance (see Ordinance § 2.2, page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the ~~general assistance administrator.~~ Administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S.A. § 4317).

Section 5.3—Personal Property

a) a) **Liquid Assets.** -

No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security, will be eligible for ~~general assistance GA~~ unless and until ~~he or she uses~~ they use these assets to meet ~~his or her~~ their basic needs, and thereby exhausts them.

At the discretion of the ~~GA administrator~~ Administrator, liquid assets ~~do need~~ not ~~mean~~ include a reasonable minimum balance necessary ~~for obtaining to~~ obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

b) b) **Tangible Assets.** -

No person owning or possessing personal property, ~~such as~~ including but not limited to: a motor vehicle, (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant’s household, will be eligible for ~~general assistance~~ GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in ~~Section~~ Ordinance § 2.2 or when

reasonable efforts to convert assets to cash at fair market value are unsuccessful.

Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) e) — Automobile Ownership. -

Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation, or training facilities, or for any other reason the GA ~~administrator~~Administrator determines reasonable for the maintenance of the applicant's household. ~~Recipients of general assistance~~GA recipients who own an automobile with a market value greater than \$~~8000~~8,000 may be required, with 7-day's written, ~~7-day~~ notice, to make a good faith effort to trade that automobile ~~for an~~ automobile with a market value of less than \$~~8000~~8,000. Any income received by the applicant by virtue of such a trade down must be used for ~~his or her~~their basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S.A. § 4317).

The ~~municipality~~Administrator will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, ~~provided if~~ the ~~vehicle~~vehicle's value is \$~~8000~~8,000 or less and the applicant is utilizing the vehicle for ~~any of the above mentioned~~an "essential" reasons, the municipality in its discretion reason (see above), the Administrator may choose to not consider reasonable car payments, reasonable car insurance and/or reasonable associated costs of maintenance as "misspent" income. ~~General assistance~~GA for travel-related needs shall be computed in accordance with ~~section~~ Ordinance § 6.8(F)(7), (8) "Work Related/Travel Expenses."

d) d) — Insurance. -

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Insurance ~~that is~~ available to an applicant on a non-contributory basis or ~~that is~~ required as a condition of employment will not be a factor in determining eligibility for ~~general assistance. GA.~~ Life insurance with a cash surrender value may, at the discretion of the ~~GA administrator~~Administrator, be considered as a tangible asset.

e) ~~e)~~ Transfer of Property. –

Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for ~~general assistance~~GA will not be granted ~~general assistance~~GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will ~~issue.~~ be issued. There will be a presumption that the applicant transferred ~~his or her~~their assets in order to be eligible for ~~general assistance~~GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for ~~general assistance~~GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) a)—Principal Residence. ~~For~~

Solely for purposes of ~~General Assistance solely~~GA, the applicant’s principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness, or disaster, provided ~~there is demonstrated~~the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, ~~then~~ that land may be considered a potential resource if:

- ~~1. 1.~~ 1. 1. —~~The applicant has received General Assistance~~GA for the last 120 consecutive days; and
- ~~2. 2.~~ 2. 2. —The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
- ~~3. 3.~~ 3. 3. —~~The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and~~
- ~~4. 4.~~ 4. 4. —~~The land is not utilized for the maintenance and/or support of the household; and~~
- ~~5. 5.~~ 5. 5. —~~A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant’s financial rehabilitation; and~~
- ~~6. 6.~~ 6. 6. —~~No other circumstances exist which cause any sale to be unduly burdensome or inequitable.~~

If ~~the above~~ above conditions are met, ~~then~~ the ~~administrator~~Administrator may condition the receipt of future assistance on the applicant’s good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 “excess” acres. Sale of 10 of the acres would provide for the necessary support ~~and~~; therefore ~~not all~~, the land entire 100 acres

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need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) ~~b)~~—Other Property.

If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:

1. ~~1.~~—Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. ~~2.~~—Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for general assistance GA will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the ~~time of~~ sale of the property or upon the death of the recipient (*see also section Ordinance § 6.8 of this ordinance*) ~~(.)~~. 22 M.R.S.A. ~~§ §~~ 4320).

Section 5.5—Work Requirement

All general assistance GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and household members ~~of their households~~ who are 16 years of age or older and who are not attending a full- time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend

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employment workshops and rehabilitative services, except as provided below (*see “Exemptions”*). Applicants must demonstrate to the ~~administrator~~Administrator that they are available for work and are actively seeking employment.

A “suitable job” means any job, which the applicant is mentally and physically able to perform. “Available for work” means that applicants must make themselves available for work during normal business hours prevailing in the area, and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis ~~will be required to~~must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation ~~shall~~will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. “Pursuit of ~~employment~~Employment” means actually submitting a written application or applying for a job in person when reasonable, or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant’s period of unemployment or partial employment, the ~~administrator~~Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill ~~his or her~~their work search requirements. The number of weekly employer contacts required by the ~~administrator~~Administrator shall be reasonably related to the number of potential employers in the region and the number of hours ~~in the~~per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application, but will be a condition of eligibility for subsequent assistance.

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Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

- a) ~~a)~~ refuse to register for employment with the Maine Job Service;
- b) ~~b)~~ refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent ~~worksearch~~work search and will be disqualified;
- c) ~~c)~~ refuse to accept a suitable job offer;
- d) ~~d)~~ refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) ~~e)~~ fail to be available for work; or
- f) ~~f)~~ refuse to participate or participate in a substandard manner in the municipal work program (*see section Ordinance § 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No ~~applicant, whether an~~ initial or repeat applicant, who has quit ~~his or her~~their full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see definition in Appendix I, 26 M.R.S.A. § 1043 (23) for the definition*) will be eligible to receive ~~general assistance~~GA of any kind for ~~a 120-day period~~days from the date ~~of separation~~the applicant is separated from employment. (22 M.R.S.A. ~~§ §~~§ § 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) ~~the~~ applicant has a physical or mental illness or disability which prevents ~~him/her~~them from working;
- b) ~~the~~ work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;

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- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary ~~child care~~childcare or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the ~~administrator~~Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S.~~A.~~ § 4316-A(5)).

Applicant’s Burden of Establishing Just Cause. If the ~~administrator~~Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S.~~A.~~ § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the ~~administrator~~Administrator that they are complying with the work requirement by fulfilling the work requirement ~~or requirements they(s) the person~~ violated.

For the purpose of regaining eligibility by becoming employed, “employment” shall mean employment by an employer as defined in 26 M.R.S.~~A.~~ ~~§~~ § 1043 ~~et seq.~~, or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in ~~section~~Ordinance § 5.6 ~~of this ordinance~~, under “EligibilityEligibility Regained”~~..~~.”

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person’s household who is not capable of working, including:

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- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and
- c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household. (22

M.R.S.A. ~~§~~ § 4309(3)).

~~In the event~~if one ~~(or more)~~ member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated ~~as though~~by dividing the maximum level of assistance available to the entire household ~~is composed of the dependents only, except that all~~by the total number of household ~~income will be considered as available to them~~members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor (DOL) or determined by the ~~Department of Labor~~DOL to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the ~~Department of Labor~~DOL.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance. (22 M.R.S.A. § 4316-A(2)). -

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in section Ordinance § 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of general assistance GA and the work program. ~~Prior to Before~~ signing the form, the ~~administrator Administrator~~ will read it to the applicants or allow the applicants ~~will to~~ read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all- of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client’s GA Debt. Pursuant to 22 MRSAM.R.S. § 4318, individuals ~~owing the municipality funds for general assistance provided to them who received GA benefits~~ are obligated to repay the municipality when and if they become able (see Ordinance Article VIII).- However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers’ Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

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Limitations. - The work requirement is subject to the following limitations. (22 M.R.S.A. § 4316-A(3)).

- 1) No person shall, as a condition of eligibility, be required to ~~to perform~~ any amount of work that exceeds the value of the net ~~general assistance~~GA that the person receives under municipal ~~general assistance~~GA standards. - Any person performing work under this subsection shall be provided with net ~~general assistance~~GA, the value of which is calculated ~~at~~ a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.
- 2) No workfare participant shall be required to work for a nonprofit organization if ~~that~~ work would violate the participant's basic religious beliefs.
- 3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.
- 4) In no case will work performed under this subsection interfere with an eligible person's:
 - a) ~~existing~~ employment;
 - b) ~~ability~~ to follow up on a bona fide job offer;
 - c) ~~attendance~~ at an interview for possible employment;
 - d) ~~classroom~~ participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e) ~~classroom~~ or on ~~site~~ participation in a training program which is approved by the Department of Labor (DOL) or determined by the ~~Department of Labor~~DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the ~~Department of Labor~~DOL.

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- 5) In no case may an eligible person be required to work more than 40 hours per week. ~~An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or hertheir regular employment would result in the person working more than 40 hours per week.~~
- 6) In no case will an eligible person be required to perform work beyond ~~his or her~~their capabilities. ~~However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness.~~ (22 M.R.S.A. § 4309).

If the ~~administrator~~Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the ~~administrator~~Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The ~~administrator~~Administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention. (22 M.R.S.A. § 4316(5)).

- -
- 7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving ~~general assistance~~GA. The ~~administrator~~Administrator shall meet immediate needs upon receiving written assurance from the eligible person that ~~he/she is~~they are willing to work to maintain eligibility for ~~general assistance~~GA. When the recipient has no immediate need, workfare participation may be required

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prior to receiving ~~general assistance~~GA in accordance with the ~~following~~ “workfare first” policy below.

“Workfare First” Policy. ~~Under the authority of Pursuant to~~ 22 M.R.S.A. § 4316- A(2)(D), the ~~administrator~~Administrator may, in accordance with the following guidelines, require a GA recipient ~~of general assistance~~ to perform a workfare assignment prior to the actual issuance of the ~~general assistance~~GA benefit conditionally granted.

- 1) ~~—~~ In no circumstance will emergency ~~general assistance~~GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- 2) ~~—~~ All workfare participants under this policy will be provided a written decision, ~~as otherwise required by law,~~ within 24 hours ~~of~~after submitting an application for ~~general assistance~~GA and prior to performing any workfare for the municipality associated with that request for assistance. ~~That written decision must include:~~

That written decision must include:

- a) a specific description of the amount of ~~general assistance~~GA being conditionally granted to the household, and for which basic needs;
- b) the period of eligibility for which the ~~general assistance~~GA grant is being issued (in days or weeks, but not to exceed 30 days);
- c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
- d) the actual duration of the workfare assignment that must be performed, in hours, before the ~~general assistance~~GA grant will be actually issued;
- e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of ~~work-~~

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site worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and

- f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
- 3) As previously provided in this section, all workfare participants ~~under this policy~~ must sign a consent form that informs the participant of ~~his or her~~their workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
- 4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the ~~administrator~~Administrator shall issue a grant of ~~general assistance in the amount of~~GA benefits corresponding to the number of workfare hours satisfactorily performed ~~times~~multiplied by the hourly rate used to calculate the ~~duration of the~~ workfare assignment. ~~In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued general assistance~~GA grant shall be terminated, and notice of the partial termination, ~~and together with~~ the reasons; ~~therefore,~~ will be issued to the workfare participant in accordance with ~~section~~Ordinance § 6.10 ~~of this ordinance.~~
- 5) ~~Any amount~~If any part of the workfare assignment ~~that~~ is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the ~~GA administrator~~Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net ~~general assistance~~GA to be provided to the person (22 M.R.S. ~~A. §~~ § 4316. ~~A(2)(E)).~~ The municipality will provide any

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special clothes or equipment the recipient needs to perform ~~his or her~~their work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S.A. § 4316-A(1)). - As soon as the ~~administrator~~Administrator knows that a recipient failed to fulfill the work assignment, the ~~administrator~~Administrator will notify the recipient in writing that ~~he/she is~~they are disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating ~~at there was~~ just cause for any failure to perform a workfare assignment ~~falls on the workfare participant~~.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions.: -

- __ Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (see ~~section~~Ordinance § 5.5, "Dependents").
- __ If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which ~~he or she~~they, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. - The ~~administrator~~Administrator will give the recipient a work assignment as soon as possible.
- __ If ~~under such a set of circumstances the~~ recipient under a 120-day disqualification has an emergency need and the ~~administrator~~Administrator

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is unable to schedule a work assignment in time to alleviate the emergency, the ~~administrator~~Administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of ~~such~~ emergency assistance will not bar the ~~administrator~~Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

- Recipients who have asked for the opportunity to regain their eligibility during a 120--day disqualification period and who agreed to fulfill the assignment which they previously failed to perform ~~and~~but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the ~~administrator~~Administrator will enforce the 120-day disqualification for the term of its initial duration.
- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date, but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibilitymay be regained by otherwise becoming employed and meeting the definition of need.

Reports. The ~~administrator~~Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS. (22
M.R.S.~~A.~~ § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant ~~has the responsibility~~ is responsible to make a good faith effort to utilize every available or potential resource that may reduce ~~his or her~~ their need for ~~general assistance~~ GA (see ~~section~~ Ordinance § 2.2 ~~for, definition of “Resources”~~). ~~People~~ Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource. (22 M.R.S.A. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for ~~general assistance~~ GA and who is pregnant or has a dependent child or children will be eligible to receive ~~general assistance~~ GA only if the minor is residing in the home of ~~his or her~~ their parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- 1) ~~the~~ the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
- 2) the minor has no living parent or the whereabouts of ~~the~~ both parents are unknown; or
- 3) no parent will permit the minor to live in the parent’s home; or
- 4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
- 5) the DHHS 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 and ~~his or her~~ their child or children lived with a parent; or
- 6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S.A. § 4309(4)).

Any person under the age of 25 who is applying independently from ~~his or her~~ their parents for ~~general assistance~~ GA will be informed that until ~~he or she reach~~ they

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reach the age of 25, the applicant's parents are still legally liable for his or her/their support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her/their parents are financially capable of repaying the municipality. (22 M.R.S. ~~A~~. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for general assistanceGA by contacting his or her/their parents. If the applicant's parents declare a willingness to provide the applicant with his or her/their basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her/their parents for basic needs, the administratorAdministrator may find the applicant not to be in need of general assistanceGA for the reason that his or her/their needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The administratorAdministrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/shehas they have made a good faith effort to utilize or obtain the resources. ~~General assistance~~GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

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Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive general assistanceGA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under general assistanceGA law, the worthvalue of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided ~~not in the form of income but, rather,~~ in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, that resource, up to its forfeited value, need not be replaced with general assistanceGA for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs. (22 M.R.S.A. § 4317).

Section 5.8—Period of Ineligibility

No one will have ~~his or her assistance~~their GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S.A. ~~§ §~~ § § 4321-4322). Each person will be notified in writing of the reasons for ~~his or her~~their ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (~~see sections~~Ordinance § § 5.5, 5.6). If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the

ARTICLE IV – Application Procedure

end of the period covered by the grant of assistance. The ~~administrator~~Administrator shall give recipients written notice that they are disqualified as soon as the ~~administrator~~Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. ~~People~~Persons who commit fraud are disqualified from receiving ~~assistance~~GA for a period of 120 days (~~see~~ sectionOrdinance § 6.4, “Fraud”). - The ~~administrator~~Administrator shall give recipients written notice that they are ineligible as soon as the ~~administrator~~Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5.9 – Unemployment Fraud

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S. § 1051(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. 22 M.R.S. § 4317.

ARTICLE VI

– Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant’s eligibility will be conducted in a manner that will not violate the applicant’s privacy or personal dignity or violate ~~his or her~~their individual rights.

Section 6.2—Determination; Redetermination

The ~~administrator~~Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for ~~general assistance:GA.~~ The ~~administrator~~Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the ~~administrator~~Administrator will determine the applicant’s eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant’s assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The ~~administrator~~Administrator may redetermine a person’s eligibility at any time during the period ~~he or she is~~they are receiving assistance if the ~~administrator~~Administrator is notified of any change in the recipient’s circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the ~~administrator~~Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority. (22 M.R.S.A. § 4309).

Section 6.3—Verification

Eligibility of ~~applicant; duration~~ Applicant; Duration of ~~eligibility~~ Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for ~~general assistance.~~ GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's ~~responsibilities~~ Responsibilities. Applicants and recipients for ~~general assistance~~ GA are responsible for providing to the ~~overseer~~ Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the ~~overseer~~ Administrator. When such information ~~required by the overseer~~ is unavailable, the ~~overseer~~ Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate ~~and, current~~ information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. ~~A person~~ Persons who ~~has~~ have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (*see below*). ~~However, such applicants~~ are must still ~~responsible for providing~~ provide the GA ~~administrator~~ Administrator with reasonably obtainable documentation adequate to

ARTICLE VI – Determination of Eligibility

verify that there is a need for assistance. -In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e. ~~job.~~, quit job).

Repeat Applicants. All ~~applicants for general assistance that~~ GA who are not initial applicants are repeat applicants. - The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The ~~administrator~~ Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services, and other basic necessities. - In addition, repeat applicants instructed to seek employment shall verify their work search results, (e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted,) as required by the ~~GA~~ Administrator.

Repeat applicants ~~are also responsible for providing any changes of~~ must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. - Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the ~~administrator~~ Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Overseer's responsibilities. Administrator's Responsibilities. In order to determine an applicant's eligibility for ~~general assistance~~ GA, the ~~overseer~~ Administrator first must seek information and documentation from the applicant. Once the applicant has

ARTICLE VI – Determination of Eligibility

presented the necessary information, the ~~overseer is responsible for determining~~Administrator must determine eligibility. The ~~overseer~~Administrator will seek verification necessary to determine eligibility.~~In order to determine eligibility, the overseer~~ and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant, – except that the ~~overseer~~Administrator may examine public records without the applicant's knowledge and consent.

Appropriate sources, which ~~the overseers~~an Administrator may contact, include, but are not limited to:

- DHHS~~and,~~ any other department ~~or~~ agency of the state, or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant
- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply ~~the overseer with~~ necessary information, documentation, or permission to make collateral contacts, or if the ~~overseer~~Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of ~~eligibility~~Eligibility. The ~~overseer~~Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the ~~overseer~~Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient ~~with~~stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S.A. ~~§~~ § 4314 who refuses to provide necessary information to the ~~administrator~~Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the ~~administrator~~Administrator is guilty of a Class E crime. (22 M.R.S.A. ~~§~~ § ~~§~~ § 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to ~~make~~ knowingly and willfully make a false representation of a material fact to the ~~administrator~~Administrator in order to receive ~~general assistance~~GA or cause someone else to receive ~~general assistance~~GA. (22 M.R.S.A. ~~§~~ § 4315).— A person who commits fraud in an effort to receive GA benefits may be prosecuted for this offense.

False representation ~~shall consist of~~means any individual who knowingly and willfully:

- a) ~~making~~makes a false statement to the ~~general assistance administrator~~Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant’s household is not entitled;
- b) ~~concealing~~conceals information from the ~~general assistance administrator~~Administrator in order to obtain assistance to which the applicant or applicant’s household is not entitled; or
- c) ~~using general assistance~~uses GA benefits for a purpose other than ~~that~~the purpose for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the ~~general assistance administrator~~Administrator finds that a person has knowingly and willfully misrepresented material facts for the

ARTICLE VI – Determination of Eligibility

purpose of making ~~himself or herself~~themselves eligible for ~~general assistance~~GA, the ~~administrator~~Administrator shall notify that applicant in writing that ~~he or she has been disqualified from receiving~~they must reimburse the municipality for the assistance they were not entitled to receive and that they are ineligible for assistance for the longer of: (a) a period of 120 days-; (b) until they reimburse the municipality for the assistance; or (c) until they enter a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315).

For the purpose of this section, a material misrepresentation is a false statement about eligibility ~~factor~~factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the ~~administrator~~Administrator shall inform the applicant of ~~his or her~~their right to appeal the ~~administrator's~~Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this ~~ordinance.~~Ordinance. No recipient shall have ~~his or her~~their assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure. (22 M.R.S.~~A~~. § 4309(3)).

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Reimbursement. If ~~a~~ recipient does not appeal the decision or if the ~~fair hearing authority~~FHA determines that a recipient ~~did make~~made a false representation, the recipient will be required to reimburse the municipality for any assistance received to

which ~~he/she was~~they were not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household. (22 ~~M.R.S.A.~~ § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated ~~as though by dividing the household is comprised~~maximum level of ~~the dependents only, except that assistance available to~~ the entire household ~~income will be considered available to them~~by the total number of household members.

Section 6.5—Period of Eligibility

The ~~administrator~~Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month. (22 ~~M.R.S.A.~~ § 4309). Upon receiving a completed and signed application the ~~administrator~~Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis. -

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA ~~administrator~~Administrator, the GA ~~administrator~~Administrator shall render a notice of “ineligibility” and advise the applicant that ~~he or she has~~they have a right to reapply as soon as ~~he or she has~~they have the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency, the ~~administrator~~Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the ~~administrator~~Administrator elects to disburse ~~general assistance~~GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need

unless the applicant’s financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application. (22 ~~M.R.S.A.~~ § 4301(7)). The ~~administrator~~Administrator will calculate applicants’ expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in ~~section~~Ordinance § 6.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant’s 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency. (22 ~~M.R.S.A.~~ § 4308(2)) (~~see section~~Ordinance § ~~4.9 of this ordinance~~).

Applicants will also not be considered in need of ~~general assistance~~GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of ~~section~~Ordinance § 6.8. (22 ~~M.R.S.A. § §~~ § 4301(10), 4305(3-B)). The difference ~~between the applicant’s income and the overall maximum levels of assistance established by this ordinance~~Ordinance is the applicant’s deficit.

Once an applicant’s deficit has been determined, the specific maximum levels of assistance for each basic necessity (~~see Appendixes A-H of this ordinance~~) shall ~~be used by the administrator to guide the~~Administrator’s distribution of assistance for which the applicant is eligible. (See Ordinance Appendixes A-H). The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency. (22 ~~M.R.S.A. §~~ § 4305(3-A)).

ARTICLE VI – Determination of Eligibility

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no *applicant* is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility. (22 M.R.S.A. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The ~~administrator~~Administrator may require that anyone applying for ~~general assistance~~GA provide documentation of ~~his or her~~their use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the ~~GA administrator~~Administrator for “unforeseen” repeat applicants (~~See Section Ordinance § 6.3 of this ordinance~~); repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of ~~nonelective~~non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the ~~administrator~~Administrator.

ARTICLE VI – Determination of Eligibility

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work related purposes
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt.
-

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use ~~his or her~~their income for basic necessities or fails to reasonably document ~~his or her use~~their of income. (22 M.R.S.A. ~~§~~§ 4315-A). Those additional requirements will be applied in the following manner:

- 1) The ~~administrator~~Administrator may require the applicant to use some or all of ~~his or her~~their income, at the time it becomes available, toward specific basic necessities. The ~~administrator~~Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., ~~heating~~ fuel, electricity), or other specified basic necessities;
- 2) The ~~administrator~~Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
- 3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and

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- 4) If the applicant does not spend ~~his or her~~their income as directed, but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant’s eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the ~~administrator~~Administrator will subtract the applicant’s net income from the overall maximum level of assistance found at the beginning of ~~section~~Ordinance § 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (*see* ~~section~~Ordinance § 4.9). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in ~~section~~Ordinance § 6.8 ~~of this ordinance~~ for specific basic necessities except in an emergency or when the ~~administrator~~Administrator elects to consolidate the applicant’s deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the ~~administrator~~Administrator may consolidate the applicant’s deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

- 1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;

- 2) The total ~~general assistance~~GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
- 3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient mispending ~~his or her~~their income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in ~~section~~Ordinance § 6.8 shall not be eligible for ~~general assistance~~GA except in an emergency. ~~The administrator~~ Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses ~~each time an applicant applies.~~

Calculation of Income. To determine whether applicants are in need, the ~~administrator~~Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application, and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the ~~administrator~~Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in ~~section~~Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22_M.R.S.A. § 4308) (~~see section~~Ordinance § 4.9 of this ordinance). To calculate weekly income and expenses, the ~~administrator~~Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant’s need includes:

- a) **Earned ~~income.~~ Income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. ~~If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant’s dependents will not be considered as earned income.~~

Note: Actual ~~work-~~related expenses such as union dues, transportation to and from work, special equipment or work clothes, and ~~child care~~childcare costs will be deducted from an applicant’s income. (22 M.R.S.A. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, ~~VA-~~ benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and ~~fuel assistance~~Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of ~~general assistance~~GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for ~~general assistance~~GA for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

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The ~~administrator's~~Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for ~~his or her~~their total fuel costs. Accordingly, in such cases, the ~~administrator~~Administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the ~~administrator~~Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with ~~his or her~~their utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 ~~USE~~S.U.S.C. § 5044 (f))
- Property tax rebates issued under the Maine ~~Residents~~ Property Tax Program (so-called "Circuitbreaker"Fairness Credit program) ~~(36-, only so long as the money is spent on basic necessities. (22 M.R.S.A. § 6216)~~

§ 4301(7))

- c) **Court-Ordered Support Payments:** Alimony and child support payments will be considered income only if actually received by the applicant. The ~~general assistance administrator~~Administrator will refer cases ~~wherein which~~ support payments ~~are were~~ not actually received to the ~~State Department of Health and Human Services'~~Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants ~~being~~ referred to DHHS for ~~such~~support enforcement ~~services~~assistance shall be required to follow-

through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.

d) Income from Other Sources. - Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives. (22 M.R.S.A. § 4301(7)).

e) Earnings of a Son or Daughter. Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.

f) Income from Household Members. - Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

g) The Pooling or Non-Pooling of Income. - When two or more individuals share the same dwelling unit but not all members of the household are applying for general assistanceGA, the administratorAdministrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S.A. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administratorAdministrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling forduring the duration of the shared living arrangement. Such documentation would include evidence of the entire householdhousehold's expenses ~~as well as~~, bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly

ARTICLE VI – Determination of Eligibility

supporting a claim that the applicant has been and is presently solely and entirely responsible for ~~his or her~~their pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of ~~his or her~~their income and ~~his or her~~their pro-rata share of actual household expenses.

h) Lump Sum Income. A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for ~~general assistance~~GA will be considered as income available to the household.

However, verified required payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or subsequent to the date of application for ~~general assistance~~GA, the ~~administrator~~Administrator will assess the need for prorating an applicant's eligibility for ~~general assistance~~GA according to the following criteria. (22 M.R.S.A. § 4301(7), (8-A)):

- 1) identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the ~~general assistance~~GA program such as:— reasonable payment of

ARTICLE VI – Determination of Eligibility

funeral or burial expenses for a family member; any 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 must also be subtracted. (22 M.R.S. ~~A. §~~ § 4301(7), (8-A));

- 4) ~~add~~ to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for ~~general assistance~~ GA; and
- 5) divide the sum created in subsection (4) 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.~~ 22 M.R.S. ~~A. §~~ § 4305(3-B).

This dividend represents the period of proration determined by the ~~administrator~~ 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.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 ~~MRSA §~~ M.R.S. ~~§~~ § 4308).

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Appendices B- H ~~of this ordinance~~, an applicant's eligibility for ~~general assistance~~ GA will be first determined by subtracting ~~his or her~~ their income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. ~~A.~~ _

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§ 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for ~~general assistance~~GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for ~~general assistance~~GA unless they are in an emergency, in which case eligibility for emergency ~~general assistance~~GA will be determined according to ~~section~~Ordinance § 4.9 of this ordinance.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The ~~administrator~~Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the ~~administrator~~Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs.

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Note. The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide

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a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the ~~administrator~~Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with ~~general assistance~~GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

~~(A) A)~~ **Food.** The ~~administrator~~Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine ~~Department of Health and Human Services~~DHHS on or about October of each year. ~~See Ordinance Appendix B of this ordinance~~ for the current year's food maximums.

In determining need for food, the ~~administrator~~Administrator will not consider the value of the food stamps an applicant receives as income. (22 M.R.S.A. § 4301.7(A); 7 U.S.C. § 2017(b)). The municipality ~~will~~ authorize vouchers to be used solely for approved food products.

The ~~administrator~~Administrator will exceed the maximums when necessary for households having members with special dietary needs. The -

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~~administrator~~Administrator may require a doctor’s statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

(B) B)—**Housing.** The ~~administrator~~Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels ~~and in accordance with housing assistance limits and exceptions provided in Title 22, Section 4308, Subsections 1-A and 1-B..~~ See Ordinance Appendix C ~~of this ordinance~~ for the current year’s housing maximums. ~~It is the applicant’s responsibility to find suitable housing, although the administrator~~Administrator may help the applicant find housing when appropriate. ~~The administrator~~Administrator will inform the applicant of the allowed housing maximums to assist the applicant in ~~his or her~~their search for housing. ~~The~~ allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant’s relatives unless the rental relationship has existed for at least three months and the applicant’s relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a “relative” is defined as the applicant’s parents, grandparents, children, grandchildren, siblings, parent’s siblings, or any of those relative’s children. (22 M.R.S.~~A~~: § 4319(2)~~)).~~ -

Rental Payments to Non-Relatives.— When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the

applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum. (22 M.R.S.~~A~~. § 4301(6)).

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Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

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When the municipality issues in aggregate more than \$600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see section § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the ~~Department of Health and Human Services;DHHS~~ Division of Health Engineering, pursuant to 10- 144A ~~Code of Maine Regulations~~CMR, Chapter 201, as a condition of that landlord receiving future ~~general assistance~~GA payments on behalf of ~~his or her~~their tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the ~~general assistance administrator~~Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the ~~administrator~~Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter's equity;
- (2) the amount of equity;

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- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
- (4) the extent to which liquidation may aid the applicant's financial rehabilitation;
- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if ~~he/she~~they were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of ~~his or her~~their inability to meet the mortgage payments;
- (7) the likelihood that the provision of housing assistance will prevent such dislocation; and
- (8) the applicant's age, health, and social situation.

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These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The ~~administrator~~Administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for ~~general assistance~~GA if after ~~reviewing~~review of the ~~above~~ criteria above, the ~~administrator~~Administrator determines that:

- (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
- (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or ~~re-amortize~~re-amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
- (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

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If a mortgage payment is necessary, the ~~administrator~~Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of ~~his or her~~their home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the ~~administrator~~Administrator will inform the applicant that ~~he/she is~~they are responsible for finding alternative housing within ~~his or her~~their ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. ~~-(22 M.R.S.A. § 4320).~~ No lien may be enforced against a recipient except upon ~~his or her~~their death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for ~~general assistance~~GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing ~~general assistance~~GA for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

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Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the ~~general assistance~~GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with ~~his or her~~their property taxes, the ~~administrator~~Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S.R.A. § 841(2)) and ~~General Assistance~~GA. If the applicant chooses to seek property tax assistance through ~~General Assistance~~GA, or if the applicant is denied a poverty tax abatement, the ~~administrator~~Administrator may consider using ~~general assistance~~GA to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and

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- d) the applicant, with sufficient notice, applies for property tax relief through the Maine ~~Resident~~ Property Tax ~~Program~~ Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the ~~United States~~ U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Ordinance Appendix C ~~of this ordinance~~ for the current year's housing maximums.

If and when the maximum levels of housing ~~contained~~ assistance in this ~~ordinance~~ Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this ~~ordinance~~ Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S.A. § 4305.

~~(C) ☹~~ **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

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Disconnection of utility service will not be considered an emergency in all cases. The ~~administrator~~Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The ~~administrator~~Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive ~~general assistance~~GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S.A. § 4308(2)) (~~see section Ordinance § § 4.9 and 6.3~~). The ~~administrator~~Administrator will notify applicants in writing that they must give the ~~administrator~~Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the ~~administrator~~Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D ~~of this ordinance~~ for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D ~~of this ordinance~~ for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

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(D) D — **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the ~~administrator~~Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in ~~section~~Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the ~~administrator~~Administrator timely notice of their need for fuel, the ~~administrator~~Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to ~~section 4.9 of this ordinance~~Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

See Appendix E of this ordinance for the current year's fuel maximums.

(E) E — **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, ~~up to the maximums below~~. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F ~~of this ordinance~~ for the current year's personal care and household supplies maximums.

(F) F — **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health

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and safety by the ~~general assistance administrator~~Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

- 1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. -Before assistance will be granted for clothing, the general assistance ~~administrator~~Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. -In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.

- 2) **Medical.** -The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. -Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. -The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. -The applicant is required to utilize any resource, including any federal or state program, that will diminish ~~his or her~~their need to seek general assistance for medical expenses. -The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. - Provided there is no cost to the applicant, the ~~administrator~~Administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

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Generally, the municipality will issue ~~general assistance~~GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing ~~general assistance~~GA for any medical expenses, the ~~administrator~~Administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate, and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

- 3) **Hospital Bills.** -In the event of an emergency admission to the hospital, the hospital must notify the ~~administrator~~Administrator within 5 business days of the admission. -Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the ~~administrator~~Administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay ~~his or her~~their hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S.A. ~~§ 396-F(1).~~ § 1716. Anyone who is not eligible for the hospital's free care program may apply for ~~general assistance~~GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they ~~re~~are not eligible for the hospital's free care program.

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Before the ~~administrator~~Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time ~~he/she applies~~they apply by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at ~~section~~Ordinance § 6.6 ~~of this ordinance.~~

4) ~~—~~**Dental.** The municipality will pay for medically necessary dental services only. ~~As is~~ the case with medical services generally, the municipality will issue ~~general assistance~~GA for dental services at the established Medicaid rates for those services, and before authorizing the ~~general assistance~~GA benefit for dental services, the ~~administrator~~Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The ~~administrator~~Administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.

5) ~~_~~**Eye Care.** In order to be eligible to receive ~~general assistance~~GA for eyeglasses, an applicant must have ~~his or her~~their medical need certified by a person licensed to practice optometry. The ~~general assistance~~
~~administrator~~Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.

- 6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA ~~administrator~~Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or job work-related reasons exist and/or for any other reasons the ~~administrator~~Administrator deems necessary.

- 7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum ~~(see. See Ordinance Appendix G for this year's the current maximum mileage allotment).~~ See Ordinance Appendix G for this year's the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.

- 8) ~~Travel Expenses.~~ In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the ~~administrator~~Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Ordinance Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

- 9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below (see ~~section~~Ordinance § 6.9), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Ordinance Appendix H for the current maximums.

- 10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only

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when the capital improvement/repair has been pre-approved by the ~~administrator~~Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The ~~administrator~~Administrator may grant ~~general assistance~~GA for capital improvements when:

- 1) the failure to do so would place the applicant(s) in emergency circumstances;
- 2) there are no other resources available to effect the capital repair; and
- 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S.A. § 4320 when ~~general assistance~~GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) “Liens”, above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the ~~administrator~~Administrator prior to the burial or cremation or by the end of ~~the next~~three business ~~day~~days following the funeral director’s receipt of the body, whichever is earlier. (22 M.R.S.A. ~~§~~ § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director’s responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the ~~municipal~~

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~~administrator.~~ Administrator. In addition, the funeral director may refer legally liable relatives to the ~~administrator~~ Administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing ~~general assistance~~ GA for burial or cremation purposes, an application for assistance shall be completed by the ~~administrator~~ Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under ~~section~~ Ordinance § 4.10 ~~of this ordinance.~~

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for ~~general assistance inasmuch~~ GA in as much as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for ~~general assistance, by virtue of their eligibility~~ GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all ~~general assistance~~ GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. ~~Grandparents, parents, siblings, children and grandchildren of the deceased, who live~~ whether or not living in Maine or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial

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capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the ~~administrator~~Administrator, all legally liable relatives must provide the ~~municipal administrator~~Administrator with any reasonably requested information regarding their income, assets, and basic living expenses.— The Administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the ~~administrator~~Administrator can make a finding that one or more of the deceased’s legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the ~~administrator~~Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the ~~administrator~~Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for ~~his or her~~their pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as

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a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the ~~administrator~~Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

TenEight Days to Determine Eligibility. The ~~administrator~~Administrator may take up to ~~108~~ days from the date of ~~contact by the funeral director~~an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The ~~108~~-day eligibility determination period from the date of ~~contact by the funeral director~~application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The ~~administrator~~Administrator shall not use this ~~108~~-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the ~~administrator~~Administrator.

Burial Expenses. The ~~administrator~~Administrator will respect the wishes of family members ~~with regard to~~concerning whether the deceased is interred by means of burial or cremated.— See Ordinance Appendix H for the maximum levels of burial assistance ~~granted for the purpose of burials.~~

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the ~~administrator~~Administrator nor the funeral director can locate any family members, the ~~administrator~~Administrator may issue general assistance GA for cremation services. See Ordinance Appendix H for the maximum assistance levels ~~of assistance granted for the purpose of~~for cremations.

Section 6.10—Notice of Decision

Written Decision. ~~The administrator~~Each time a person applies, the Administrator will ~~give~~provide a written decision to ~~each~~the applicant after making a determination of eligibility ~~each time a person applies.~~ The decision will be given to the applicant within 24 hours ~~of receiving~~after a completed and signed application is received (22 M.R.S.A. § 4305(3)) (~~see Article IV, section~~Ordinance § 4.6).

~~When~~In order to comply with the statutory requirement to issue a decision within 24 hours, if an applicant submits an incomplete or unsigned application, ~~due to the 24- hour decision requirement placed on the GA administrator, the GA administrator~~the Administrator may decide to ~~render~~issue a notice of “ineligibility” and provide the applicant with another application to submit as soon as is practicable for the applicant.

~~In order to ensure that applicants understand their rights, it is the responsibility of the general assistance administrator to~~The Administrator must explain the ~~applicants'~~applicant's right to a fair hearing in the Administrator's written notice of decision.

Contents. of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the ~~contents of a written decision items~~ listed in ~~section Ordinance § 4.6 of this ordinance,~~ the notice of decision will ~~state~~include a statement that applicants:

- a) ~~have the applicant has~~ the right to a fair hearing and ~~the method by which they may obtain~~how to request a fair hearing, and;
- b) ~~have the applicant has~~ the right to contact the DHHS if they believe the municipality has violated the law. ~~The decision will state the method~~include contact information for ~~notifying the department~~appropriate DHHS office.

Disbursement of General Assistance. Except when ~~determined~~the Administrator determines it is impractical ~~by the administrator,~~ all ~~general assistance~~GA will be provided ~~in the form of~~as a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. ~~General assistance GA~~ will not be issued in the form of a cash payment to an applicant unless there is no alternative to ~~making such a~~the cash payment, in which case the ~~administrator~~Administrator shall document the circumstances ~~for issuing general assistance~~requiring GA to be issued in the form of cash. (22 M.R.S. ~~A.~~ § 4305(6)).

ARTICLE VII

– The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receiving receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her their authorized representative has the right to request a fair hearing. (22 M.R.S.A. § § 4322). The right to review a decision of the ~~general assistance administrator~~Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the ~~general—assistance administrator~~Administrator, all claimants will be informed of ~~the method of obtaining~~how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the ~~general assistance administrator.~~Administrator. If the client is satisfied with the adjustment or explanation, the ~~administrator~~Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or his or her their authorized representative, must make a written request within 5 working days of receiving receipt of the ~~administrator's~~Administrator's decision to grant, deny, reduce or terminate assistance, or within 10- working days after any other act or failure to act.- The ~~administrator~~Administrator will make a form available ~~a printed form for requesting to request~~ a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) ~~for the claimant's dissatisfaction~~the claimant is dissatisfied and why the claimant believes ~~he/she is~~they are eligible to receive assistance; and
- c) the relief sought by the claimant.

The ~~administrator cannot~~Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the ~~fair hearing authority~~FHA must meet and hold the hearing within 5 working days.~~-~~ The ~~administrator~~Administrator will notify the claimant in writing when and where the hearing will be held. (22 M.R.S.~~A.~~ § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing ~~sent to the claimant~~ shall include, at a minimum, the claimant's rights to:

- a) be ~~his or her~~their own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or ~~other spokesperson at the hearing, at the claimant's own expense~~another;
- b) confront and cross-examine any witnesses presented at the hearing ~~against the claimant~~; and
- c) present witnesses on ~~his or her~~their own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of ~~his or her~~their case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA.~~-~~ The FHA is charged with ~~the responsibility of~~ ensuring that ~~general assistance~~GA is administered in accordance with ~~the~~ state law and ~~local~~this ordinance.

The ~~fair hearing authority~~FHA may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA , or, if designated, ~~the~~ by ordinance, a municipal board of appeals created under 30-A M.R.S.A. § 2691. (22 M.R.S.A. § 4322). In determining the ~~organization of the fair hearing authority~~FHA, the municipal officers will ~~use the following criteria.~~ The ensure that all person(s) serving as FHA must:

- a) ~~not~~ have not participated in the decision which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the ~~administrator~~Administrator operated, and ~~interpreting~~conveying to the ~~administrator~~Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

~~When a claimant requesting a fair hearing is notified~~At the time that written notice of the date, time, and place of the fair hearing ~~in writing, he/she is provided to a claimant, they~~ will also be given adequate ~~preliminary~~ information about the hearing procedure to allow ~~for effective preparation of his or her~~them to effectively prepare their case. The claimant shall be permitted to review ~~his or her~~their file ~~prior to~~before the hearing. At a minimum, the claimant will be ~~told~~provided with the following information, ~~which will govern all regarding~~ fair hearings.hearing procedures. All fair hearings will:

- a) be conducted ~~privately, and will be open~~in private, with only to the claimant, witnesses, the claimant's legal counsel, ~~or~~ others whom the claimant wants present, and ~~the general assistance administrator, his or her~~Administrator, the Administrator's agents, counsel and witnesses present;
- b) be opened with a presentation of the issue by the ~~fair hearing authority~~FHA;
- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;

- d) allow the claimant and the ~~administrator~~Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The ~~fair hearing authority~~FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the ~~fair hearing authority~~FHA must be made available to the claimant or ~~his or her~~their representative. The claimant will be responsible for preparing a written transcript if ~~he/she~~wishesthey wish to pursue court action.

The ~~fair hearing authority~~FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S.A. § 4322).

Claimant's Failure to Appear. ~~In the event~~ If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the ~~GA administrator's~~Administrator's decision ~~was not altered due to~~remains unchanged because of the ~~claimant's~~claimant failure to appear. ~~Furthermore, the~~ The notice ~~shall indicate~~will state that the claimant has 5 working days from receipt of the notice to ~~submit to~~provide the ~~GA administrator~~Administrator with information demonstrating "just cause," for ~~failing~~failure to appear.

~~For the purposes of “Just cause” for~~ a claimant’s failure to appear at a fair hearing, ~~examples of “just cause” may~~ include: -

- a) a death or serious illness in the family;
- b) a personal illness which reasonably prevents the party from attending the hearing;
- c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
- d) an obligation or responsibility which a reasonable person in the conduct of ~~his or her~~their affairs could reasonably conclude takes precedence over the attendance at the hearing; or
- e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or ~~their~~his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

~~In the event~~lf a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of ‘fact’ but may cross examine witnesses and make ‘legal’ arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The FHA’s decision ~~of the fair hearing authority~~ will be binding on the ~~general assistance administrator~~Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain ~~the following~~:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or ~~general assistance~~GA ordinance related to the decision; and
- d) the FHA’s decision and the reasons for it.

ARTICLE VII – The Fair Hearing

A copy ~~of the notice~~ of the decision will be given to the claimant. The hearing record and the case record will be maintained by the ~~general assistance administrator~~ Administrator.

The written ~~notice of the~~ decision will state that if the claimant is dissatisfied with the fair hearing decision, ~~he/she has a further legal right to~~ they may appeal ~~the decision~~ pursuant to ~~the~~ Maine Rules Rule of Civil Procedure, Rule 80B. To ~~take~~ advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the ~~fair hearing authority~~ FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – Recovery of Expenses

Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or ~~his or her~~their executors or administrators in a civil action.— However, prior to recovering assistance granted, the municipality shall “offset” the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

~~Prior~~Before filing a court action to taking a seek repayment of GA benefits previously provided to a recipient ~~to court to recover the amount of assistance~~, the municipality will seek voluntary repayment ~~from the recipient by notifying him/her in writing~~after written notice and ~~discussing it~~discussion with the recipient.—~~The~~ However, the municipality ~~shall~~will not attempt to recover such ~~costs~~amounts if, as a result of the repayment, the ~~person~~recipient would again become eligible for ~~general assistance~~GA. (22 M.R.S.A. § 4318).

Recipients Anticipating Workers’ Compensation Benefits. The ~~municipality~~ shall claim a lien ~~for the value of all general assistance payments made to a recipient~~ on any lump sum payment ~~made to that recipient~~ under the Workers’ Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S.A. § 4318, 39-A M.R.S.A. § 106). After issuing any ~~general assistance~~GA on behalf of a recipient who has applied for or is receiving Workers’ Compensation, the municipality shall file a notice of the municipal lien with the ~~general assistance~~GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient ~~of general assistance~~ who has applied for or is receiving Workers’

ARTICLE VIII – Recovery of Expenses

Compensation. Any ~~general assistance~~GA applicant who has applied for or who is receiving Workers' Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive ~~general assistance~~GA until ~~he or she provides~~they provide the required signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the ~~administrator's~~Administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the ~~time~~ any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive ~~general assistance~~GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended, ~~(and which therefore may be retroactively issued to the applicant at a later date,)~~, will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the ~~general assistance~~GA granted. Any ~~general assistance~~GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive ~~general assistance~~GA until ~~he or she provides~~they provide the required signature. (22 M.R.S.A. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S.A. § 4319). In addition, ~~the grandchildren, children, siblings, parents and, grandparents,~~ the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on ~~the~~ behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S.A. § 4319).

ARTICLE IX

– Severability

~~Should~~if any ~~section or~~ provision of this ordinance ~~be~~is declared ~~by the courts to be~~ invalid by a court of competent jurisdiction, such decision shall not invalidate any other ~~section or~~ provision of the ordinance.

ARTICLE X (#25)

Appendices

The following ~~Appendixes~~ are here by adopted by reference and are available for public review and inspection in the General Assistance Office:

~~Appendix A: GA Overall Maximums as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.~~

~~Appendix B: Food Maximums as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.~~

~~Appendix C: GA Housing Maximums as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.~~

~~Appendix D: Utilities as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.~~

~~Appendix G: Mileage Rate as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.~~

Funeral Maximums

Burial Maximums

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APPENDIX A – 2024-2025 GA Overall Maximums

Effective: 10/1/24 – 9/30/25

Metropolitan Areas

Persons in Household

<u>COUNTY</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5*</u>
<u>Bangor HMFA:</u> <u>Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie</u>	<u>969</u>	<u>1,068</u>	<u>1,367</u>	<u>1,744</u>	<u>2,333</u>
<u>Cumberland County HMFA:</u> <u>Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago</u>	<u>1,139</u>	<u>1,280</u>	<u>1,689</u>	<u>2,131</u>	<u>2,476</u>
<u>Lewiston/Auburn MSA:</u> <u>Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales</u>	<u>881</u>	<u>965</u>	<u>1,232</u>	<u>1,608</u>	<u>1,947</u>
<u>Penobscot County HMFA:</u> <u>Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville</u>	<u>874</u>	<u>884</u>	<u>1,169</u>	<u>1,464</u>	<u>1,603</u>
<u>Portland HMFA:</u>					

<u>Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach</u>	<u>1,451</u>	<u>1,663</u>	<u>2,141</u>	<u>2,715</u>	<u>3,332</u>
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<u>COUNTY</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5*</u>
<u>Sagadahoc HMFA:</u> <u>Arrowsic, Bath, Bowdoin, Bowdoinham,</u> <u>Georgetown, Perkins UT, Phippsburg,</u> <u>Richmond, Topsham, West Bath,</u> <u>Woolwich</u>	<u>969</u>	<u>1,159</u>	<u>1,413</u>	<u>1,939</u>	<u>2,335</u>
<u>York County HMFA:</u> <u>Acton, Alfred, Arundel, Biddeford,</u> <u>Cornish, Dayton, Kennebunk,</u> <u>Kennebunkport, Lebanon, Limerick,</u> <u>Lyman, Newfield, North Berwick,</u> <u>Ogunquit, Parsonsfield, Saco, Sanford,</u> <u>Shapleigh, Waterboro, Wells</u>	<u>1,192</u>	<u>1,261</u>	<u>1,567</u>	<u>2,039</u>	<u>2,297</u>
<u>York/Kittery/S.Berwick HMFA:</u> <u>Berwick, Eliot, Kittery, South Berwick,</u> <u>York</u>	<u>1,371</u>	<u>1,444</u>	<u>1,905</u>	<u>2,589</u>	<u>3,305</u>

***Note: Add \$75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

<u>COUNTY</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5*</u>
<u>Aroostook County</u>	<u>766</u>	<u>842</u>	<u>1,043</u>	<u>1,421</u>	<u>1,524</u>
<u>Franklin County</u>	<u>807</u>	<u>893</u>	<u>1,174</u>	<u>1,558</u>	<u>1,764</u>
<u>Hancock County</u>	<u>1,096</u>	<u>1,102</u>	<u>1,307</u>	<u>1,734</u>	<u>1,740</u>
<u>Kennebec County</u>	<u>943</u>	<u>946</u>	<u>1,214</u>	<u>1,529</u>	<u>1,784</u>
<u>Knox County</u>	<u>935</u>	<u>946</u>	<u>1,163</u>	<u>1,550</u>	<u>1,657</u>
<u>Lincoln County</u>	<u>1,037</u>	<u>1,076</u>	<u>1,332</u>	<u>1,733</u>	<u>2,154</u>
<u>Oxford County</u>	<u>902</u>	<u>910</u>	<u>1,185</u>	<u>1,575</u>	<u>1,869</u>
<u>Piscataquis County</u>	<u>777</u>	<u>860</u>	<u>1,131</u>	<u>1,398</u>	<u>1,689</u>
<u>Somerset County</u>	<u>897</u>	<u>931</u>	<u>1,140</u>	<u>1,487</u>	<u>1,612</u>
<u>Waldo County</u>	<u>1,075</u>	<u>1,085</u>	<u>1,305</u>	<u>1,620</u>	<u>2,219</u>
<u>Washington County</u>	<u>838</u>	<u>846</u>	<u>1,101</u>	<u>1,508</u>	<u>1,598</u>

*** Please Note: Add \$75 for each additional person.**

APPENDIX B – 2024-2025 Food Maximums

Effective: 10/01/24 to 09/30/25

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2024, those amounts are:

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
<u>1</u>	<u>\$ 67.91</u>	<u>\$ 292.00</u>
<u>2</u>	<u>124.65</u>	<u>536.00</u>
<u>3</u>	<u>178.60</u>	<u>768.00</u>
<u>4</u>	<u>226.74</u>	<u>975.00</u>
<u>5</u>	<u>269.30</u>	<u>1,158.00</u>
<u>6</u>	<u>323.26</u>	<u>1,390.00</u>
<u>7</u>	<u>357.21</u>	<u>1,536.00</u>
<u>8</u>	<u>408.37</u>	<u>1,756.00</u>

Note: For each additional person add \$220 per month.

APPENDIX C – 2024-2025 GA Housing Maximums

Effective: 10/01/24 to 09/30/25

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>144</u>	<u>619</u>	<u>174</u>	<u>748</u>
<u>1</u>	<u>152</u>	<u>654</u>	<u>191</u>	<u>822</u>
<u>2</u>	<u>186</u>	<u>798</u>	<u>237</u>	<u>1,019</u>
<u>3</u>	<u>261</u>	<u>1,123</u>	<u>324</u>	<u>1,393</u>
<u>4</u>	<u>270</u>	<u>1,162</u>	<u>347</u>	<u>1,492</u>
Franklin County				
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>154</u>	<u>660</u>	<u>184</u>	<u>789</u>
<u>1</u>	<u>164</u>	<u>705</u>	<u>203</u>	<u>873</u>
<u>2</u>	<u>216</u>	<u>929</u>	<u>267</u>	<u>1,150</u>
<u>3</u>	<u>293</u>	<u>1,260</u>	<u>356</u>	<u>1,530</u>
<u>4</u>	<u>326</u>	<u>1,402</u>	<u>403</u>	<u>1,732</u>
Hancock County				
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>224</u>	<u>964</u>	<u>251</u>	<u>1,079</u>
<u>1</u>	<u>224</u>	<u>964</u>	<u>252</u>	<u>1,083</u>
<u>2</u>	<u>253</u>	<u>1,087</u>	<u>299</u>	<u>1,284</u>
<u>3</u>	<u>341</u>	<u>1,467</u>	<u>397</u>	<u>1,707</u>
<u>4</u>	<u>341</u>	<u>1,467</u>	<u>397</u>	<u>1,707</u>
Kennebec County				
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>189</u>	<u>811</u>	<u>215</u>	<u>926</u>
<u>1</u>	<u>189</u>	<u>811</u>	<u>216</u>	<u>927</u>
<u>2</u>	<u>231</u>	<u>994</u>	<u>277</u>	<u>1,191</u>
<u>3</u>	<u>294</u>	<u>1,262</u>	<u>349</u>	<u>1,502</u>
<u>4</u>	<u>339</u>	<u>1,459</u>	<u>407</u>	<u>1,752</u>

Non-Metropolitan FMR Areas

<u>Knox County</u>	Unheated		Heated	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>187</u>	<u>803</u>	<u>214</u>	<u>918</u>
<u>1</u>	<u>187</u>	<u>803</u>	<u>216</u>	<u>927</u>
<u>2</u>	<u>219</u>	<u>943</u>	<u>265</u>	<u>1,140</u>
<u>3</u>	<u>298</u>	<u>1,283</u>	<u>354</u>	<u>1,523</u>
<u>4</u>	<u>310</u>	<u>1,332</u>	<u>378</u>	<u>1,625</u>
<u>Lincoln County</u>				
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>210</u>	<u>905</u>	<u>237</u>	<u>1,020</u>
<u>1</u>	<u>211</u>	<u>906</u>	<u>246</u>	<u>1,057</u>
<u>2</u>	<u>259</u>	<u>1,112</u>	<u>304</u>	<u>1,309</u>
<u>3</u>	<u>341</u>	<u>1,466</u>	<u>397</u>	<u>1,706</u>
<u>4</u>	<u>425</u>	<u>1,829</u>	<u>493</u>	<u>2,122</u>
<u>Oxford County</u>				
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>179</u>	<u>770</u>	<u>206</u>	<u>885</u>
<u>1</u>	<u>179</u>	<u>770</u>	<u>207</u>	<u>891</u>
<u>2</u>	<u>224</u>	<u>965</u>	<u>270</u>	<u>1,162</u>
<u>3</u>	<u>304</u>	<u>1,308</u>	<u>360</u>	<u>1,548</u>
<u>4</u>	<u>359</u>	<u>1,544</u>	<u>427</u>	<u>1,837</u>
<u>Piscataquis County</u>				
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>147</u>	<u>630</u>	<u>177</u>	<u>759</u>
<u>1</u>	<u>156</u>	<u>672</u>	<u>195</u>	<u>840</u>
<u>2</u>	<u>206</u>	<u>886</u>	<u>257</u>	<u>1,107</u>
<u>3</u>	<u>256</u>	<u>1,100</u>	<u>319</u>	<u>1,370</u>
<u>4</u>	<u>309</u>	<u>1,327</u>	<u>385</u>	<u>1,657</u>
<u>Somerset County</u>				
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>178</u>	<u>765</u>	<u>205</u>	<u>880</u>
<u>1</u>	<u>178</u>	<u>765</u>	<u>212</u>	<u>912</u>
<u>2</u>	<u>214</u>	<u>920</u>	<u>260</u>	<u>1,117</u>
<u>3</u>	<u>284</u>	<u>1,220</u>	<u>339</u>	<u>1,460</u>
<u>4</u>	<u>299</u>	<u>1,287</u>	<u>367</u>	<u>1,580</u>

Non-Metropolitan FMR Areas

Waldo County	Unheated		Heated	
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>219</u>	<u>943</u>	<u>246</u>	<u>1,058</u>
<u>1</u>	<u>219</u>	<u>943</u>	<u>248</u>	<u>1,066</u>
<u>2</u>	<u>252</u>	<u>1,085</u>	<u>298</u>	<u>1,282</u>
<u>3</u>	<u>315</u>	<u>1,353</u>	<u>370</u>	<u>1,593</u>
<u>4</u>	<u>440</u>	<u>1,894</u>	<u>509</u>	<u>2,187</u>

Washington County	Unheated		Heated	
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>164</u>	<u>706</u>	<u>191</u>	<u>821</u>
<u>1</u>	<u>164</u>	<u>706</u>	<u>192</u>	<u>827</u>
<u>2</u>	<u>205</u>	<u>881</u>	<u>251</u>	<u>1,078</u>
<u>3</u>	<u>289</u>	<u>1,241</u>	<u>344</u>	<u>1,481</u>
<u>4</u>	<u>296</u>	<u>1,273</u>	<u>364</u>	<u>1,566</u>

Metropolitan FMR Areas

Bangor HMFA	Unheated		Heated	
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>195</u>	<u>837</u>	<u>221</u>	<u>952</u>
<u>1</u>	<u>209</u>	<u>898</u>	<u>244</u>	<u>1,049</u>
<u>2</u>	<u>267</u>	<u>1,147</u>	<u>312</u>	<u>1,344</u>
<u>3</u>	<u>344</u>	<u>1,477</u>	<u>399</u>	<u>1,717</u>
<u>4</u>	<u>467</u>	<u>2,008</u>	<u>535</u>	<u>2,301</u>

Cumberland Cty. HMFA	Unheated		Heated	
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>234</u>	<u>1,007</u>	<u>261</u>	<u>1,122</u>
<u>1</u>	<u>258</u>	<u>1,110</u>	<u>293</u>	<u>1,261</u>
<u>2</u>	<u>342</u>	<u>1,469</u>	<u>387</u>	<u>1,666</u>
<u>3</u>	<u>434</u>	<u>1,864</u>	<u>489</u>	<u>2,104</u>
<u>4</u>	<u>500</u>	<u>2,151</u>	<u>568</u>	<u>2,444</u>

Lewiston/Auburn MSA	Unheated		Heated	
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>174</u>	<u>749</u>	<u>201</u>	<u>864</u>
<u>1</u>	<u>185</u>	<u>795</u>	<u>220</u>	<u>946</u>
<u>2</u>	<u>235</u>	<u>1,012</u>	<u>281</u>	<u>1,209</u>
<u>3</u>	<u>312</u>	<u>1,341</u>	<u>368</u>	<u>1,581</u>
<u>4</u>	<u>377</u>	<u>1,622</u>	<u>445</u>	<u>1,915</u>

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	Unheated		Heated	
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>173</u>	<u>742</u>	<u>199</u>	<u>857</u>
<u>1</u>	<u>173</u>	<u>742</u>	<u>201</u>	<u>865</u>
<u>2</u>	<u>221</u>	<u>949</u>	<u>266</u>	<u>1,146</u>
<u>3</u>	<u>278</u>	<u>1,197</u>	<u>334</u>	<u>1,437</u>
<u>4</u>	<u>297</u>	<u>1,278</u>	<u>365</u>	<u>1,571</u>
<u>Portland HMFA</u>				
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>307</u>	<u>1,319</u>	<u>334</u>	<u>1,434</u>
<u>1</u>	<u>347</u>	<u>1,493</u>	<u>382</u>	<u>1,644</u>
<u>2</u>	<u>447</u>	<u>1,921</u>	<u>492</u>	<u>2,118</u>
<u>3</u>	<u>569</u>	<u>2,448</u>	<u>625</u>	<u>2,688</u>
<u>4</u>	<u>699</u>	<u>3,007</u>	<u>767</u>	<u>3,300</u>
<u>Sagadahoc Cty. HMFA</u>				
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>195</u>	<u>837</u>	<u>221</u>	<u>952</u>
<u>1</u>	<u>230</u>	<u>989</u>	<u>265</u>	<u>1,140</u>
<u>2</u>	<u>277</u>	<u>1,193</u>	<u>323</u>	<u>1,390</u>
<u>3</u>	<u>389</u>	<u>1,672</u>	<u>445</u>	<u>1,912</u>
<u>4</u>	<u>467</u>	<u>2,010</u>	<u>536</u>	<u>2,303</u>
<u>York Cty. HMFA</u>				
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>247</u>	<u>1,060</u>	<u>273</u>	<u>1,175</u>
<u>1</u>	<u>254</u>	<u>1,091</u>	<u>289</u>	<u>1,242</u>
<u>2</u>	<u>313</u>	<u>1,347</u>	<u>359</u>	<u>1,544</u>
<u>3</u>	<u>412</u>	<u>1,772</u>	<u>468</u>	<u>2,012</u>
<u>4</u>	<u>459</u>	<u>1,972</u>	<u>527</u>	<u>2,265</u>
<u>York/Kittery / S. Berwick HMFA</u>				
<u>Bedrooms</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
<u>0</u>	<u>288</u>	<u>1,239</u>	<u>315</u>	<u>1,354</u>
<u>1</u>	<u>296</u>	<u>1,274</u>	<u>331</u>	<u>1,425</u>
<u>2</u>	<u>392</u>	<u>1,685</u>	<u>438</u>	<u>1,882</u>
<u>3</u>	<u>540</u>	<u>2,322</u>	<u>596</u>	<u>2,562</u>
<u>4</u>	<u>693</u>	<u>2,980</u>	<u>761</u>	<u>3,273</u>

APPENDIX D – 2024-2025 Electric Utility Maximums

Effective: 10/01/24 to 09/30/25

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

- 1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
<u>1</u>	<u>\$19.95</u>	<u>\$ 85.50</u>
<u>2</u>	<u>\$22.52</u>	<u>\$ 96.50</u>
<u>3</u>	<u>\$24.97</u>	<u>\$107.00</u>
<u>4</u>	<u>\$27.53</u>	<u>\$118.00</u>
<u>5</u>	<u>\$29.88</u>	<u>\$128.50</u>
<u>6</u>	<u>\$32.55</u>	<u>\$139.50</u>

NOTE: For each additional person add \$10.50 per month.

- 2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
<u>1</u>	<u>\$29.63</u>	<u>\$127.00</u>
<u>2</u>	<u>\$34.07</u>	<u>\$146.00</u>
<u>3</u>	<u>\$39.67</u>	<u>\$170.00</u>
<u>4</u>	<u>\$46.32</u>	<u>\$198.50</u>
<u>5</u>	<u>\$55.65</u>	<u>\$238.50</u>
<u>6</u>	<u>\$58.68</u>	<u>\$251.50</u>

NOTE: For each additional person add \$14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E – 2024-2025 Heating Fuel Maximums

Effective: 10/01/24 to 09/30/25

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
<u>September</u>	<u>50</u>	<u>January</u>	<u>225</u>
<u>October</u>	<u>100</u>	<u>February</u>	<u>225</u>
<u>November</u>	<u>200</u>	<u>March</u>	<u>125</u>
<u>December</u>	<u>200</u>	<u>April</u>	<u>125</u>
		<u>May</u>	<u>50</u>

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F – 2024-2025 Personal Care & Household Supplies Maximums

Effective: 10/01/24 to 09/30/25

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
<u>1-2</u>	<u>\$10.50</u>	<u>\$45.00</u>
<u>3-4</u>	<u>\$11.60</u>	<u>\$50.00</u>
<u>5-6</u>	<u>\$12.80</u>	<u>\$55.00</u>
<u>7-8</u>	<u>\$14.00</u>	<u>\$60.00</u>

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
<u>1</u>	<u>\$12.80</u>	<u>\$55.00</u>
<u>2</u>	<u>\$17.40</u>	<u>\$75.00</u>
<u>3</u>	<u>\$23.30</u>	<u>\$100.00</u>
<u>4</u>	<u>\$27.90</u>	<u>\$120.00</u>

APPENDIX G – Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel, etc. is 50 cents (50 ¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>.

APPENDIX H – Funeral Maximums / Burial Maximums and Cremation

Maximums

Effective: 10/01/24 to 09/30/25

The maximum amount of general assistance granted for the purpose of burial is ~~\$1,475. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:~~620.

- ~~• the wholesale cost of a cement liner if the cemetery by laws require one;~~
- ~~• the opening and closing of the grave site; and~~
- ~~• a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.~~

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal ~~administrator~~Administrator.

Additional costs may be allowed by the GA Administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,~~025~~. ~~Additional costs may be allowed by the GA 125.~~

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA Administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$~~5055~~
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

APPENDIX I – Definition of Misconduct (26 MRSA §M.R.S. § 1043 (23))

23. Misconduct. “Misconduct” means a culpable breach of the ~~employee’s~~employee’s duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an ~~employee’s~~employee’s entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge. ~~–[1999, c. 464, § 2 (rpr).]~~

A. ~~A.~~ The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute “misconduct” as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) ~~(1)~~ Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) ~~(2)~~ Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) ~~(3)~~ Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) ~~(4)~~ Failure to exercise due care for punctuality or attendance after warnings;
- (5) ~~(5)~~ Providing false information on material issues relating to the ~~employee’s~~employee’s eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) ~~(6)~~ Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;
- (7) ~~(7)~~ Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;

- ~~(8)~~ ~~(8)~~ Unauthorized sleeping while on duty;
- ~~(9)~~ ~~(9)~~ Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- ~~(10)~~ ~~(10)~~ Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- ~~(11)~~ ~~(11)~~ Destruction or theft of things valuable to the employer or another employee;
- ~~(12)~~ ~~(12)~~ Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- ~~(13)~~ ~~(13)~~ Conviction of a crime in connection with the employment or a crime that reflects adversely on the ~~employee's~~employee's qualifications to perform the work; or
- ~~(14)~~ ~~(14)~~ Absence for more than 2 work days due to incarceration for conviction of a crime.

~~[1999]PL2019, c. 464, § 2 (new).]~~ 125, §1 (AMD).

B. ~~B.~~ “Misconduct” may not be found solely on:

- ~~(1)~~ ~~(1)~~ An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
- ~~(2)~~ ~~(2)~~ Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the ~~employer's~~employer's notification rules and policies; or
- ~~(3)~~ ~~(3)~~ Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

~~[1999]PL 2019, c. 464, § 2 (new).]~~

END OF CHAPTER NOTATIONS – CHAPTER 11

Revised, effective July 21, 2002

City Council Minutes
Wednesday, September 18, 2024

Amendments:

1. effective October 20, 2002 (2002-C060) Sub-Chapter 1 maximum benefits
2. effective October 19, 2003 (2003-C020) Sub-Chapter 1 maximum benefits
3. effective January 16, 2005 (2005-C001) Sub-Chapter 1 maximum benefits
4. effective November 12, 2005 (2005-C021) Sub-Chapter 1 General Assist. Ord.
5. effective December 24, 2006 (2006-C012) Sub-Chapter 1 maximum benefits
6. effective November 18, 2007 (2007-C007) Sub-Chapter 1 maximum benefits
7. effective November 17, 2008 (2008-C013) Sub-Chapter 1 maximum benefits
8. effective June 1, 2009 (2009-C002) Sub-Chapter 1 maximum benefits
9. effective November 15, 2009 (2009-C011) Sub-Chapter 1 maximum benefits
10. effective January 16, 2011(2010-C022) Sub-Chapter 1 maximum benefits
11. effective November 19, 2011 (2011-C014) Sub-Chapter 1 maximum benefits
12. effective July 29, 2012(2012-C008) Sub-Chapter 1 maximum benefits
13. effective July 29, 2012(2012-C008) Temporary Housing Assist. Limit
14. effective November 25, 2012 (2012-C019) Art. VI, Appendix C
15. effective September 23, 2013 (2013-C008)
16. effective September 21, 2014 (2014-C015) Sub-Chapter 1 maximum benefits
17. effective December 14, 2014 (2014-C023) Sub-Chapter 1 (B & C)
18. effective October 18, 2015 (2015-C012) Sub-Chapter (A, B & C)
19. effective November 19, 2016 (2016-C012) Sub-Chapter (A, C & D)
20. effective October 10, 2017 (2017-C017) (Sub-Chapter (A, B, C & D)
21. effective October 9, 2018 (2018-C008) Sub-Chapter A, B & C
22. effective October 8, 2019 (2019-C010) Sub-Chapter A, B, C & H
23. effective November 22, 2020 (2020-C008) Appendix A, B & C maximum benefits
24. effective October 17, 2021 (2021-C013) Appendix A, B, C, & G
maximum benefits
25. effective October 16, 2022 (2021-C010) Article X, Appendices

City Council Minutes
Wednesday, September 18, 2024

ACTION: Councilor Daniels moved that the amendment be enacted. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

G. New Business

2024-A192

October 8, 2024

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1, M.R.S.A. §405(6)(E) TO CONSULT WITH LEGAL COUNSEL REGARDING CITY COUNCIL RIGHTS AND DUTIES.

Filed October 1, 2024
By Soubanh Phanthay

BE IT ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, §405(6)(E) to meet with consult counsel regarding City Council rights and duties.

ACTION: Councilor Phanthay moved that the order have passage. Councilor Daniels seconded the motion. The motion passed with a unanimous vote. The Council recessed to go into executive session.

The regular meeting was called back to order by Mayor Morin. The city clerk called the roll:

Councilor Daniels-present
Councilor Kimball-present
Mayor Morin-present

Councilor O'Halloran-present
Deputy Mayor Phanthay-present

Mayor Morin declared that a quorum was present. Acting City Manager Eric Glidden and City Solicitor Johnathan Pottle were also present.

H. New Items with Leave of Council

There were no new items with leave of Council.

I. ADJOURN

ACTION: Councilor Daniels moved to adjourn. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 7:29 P.M.

City Council Minutes
Wednesday, September 18, 2024

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine