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Testimony of Frank D'Alessandro, Esq.

For Pine Tree Legal Assistance

In Opposition to LD 10; LD 36; and LD 219 and LD220

Before the Joint Standing Committee on Health and Human Services regarding testimony provided to the Committees on April 10, 2017.

Good afternoon Senator Brakey and Representative Hymanson and members of the Joint Standing Committee on Health and Human Services. My name is Frank D'Alessandro. I am the Southern Regional Directing Attorney for Pine Tree Legal Assistance. I am speaking today in opposition to LD 10; LD 36; and LD 219 and LD 220.

I have asked to share the expertise of Pine Tree Legal Assistance on these issues and I am speaking today on behalf of Pine Tree Legal Assistance. Since 1967 Pine Tree Legal Assistance has provided free legal services to low-income people throughout the State of Maine. In 2016, Pine Tree Legal Assistance provided legal services to Maine families and individuals in over 7,363 cases, of which 642 involved public assistance, including general assistance cases.

We oppose these bills because they threaten to further weaken the already fragile safety net available to help low-income Mainers and the inevitable negative impact that these bills will have upon the State's most vulnerable residents. Whatever problems the State currently faces, they are not the result of the poorest Mainers having too much.

DESCRIPTION OF GENERAL ASSISTANCE PROGRAM

General Assistance is the oldest public assistance program in the State for low-income Mainers who have no other way to pay for basic necessities. General Assistance benefits come in the form of a voucher that is paid directly to the vendor for items such as food, clothing, housing, heat, or medical care. Since the General Assistance program is a program of last resort, Maine municipalities grant benefits only for a specific time period to meet a specific need.

"Need" is defined by Maine statute and municipal ordinance as "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 established by the municipality". Maximum levels of assistance vary from county to county and, sometimes, from municipality to municipality. However, in

all cases, the maximum level of assistance is only a fraction of the federal poverty guidelines.

The current statute that governs the general assistance program is found at 22 M.R.S. 4301 et. seq. The General Assistance program includes a work requirement. The law currently mandates recipients work in order to receive their general assistance benefit for food, shelter, or help with heat. The statute imposes a 120 day (4 month) general assistance disqualification for those applicants who make false representations in their General Assistance applications or who fail to comply with the General Assistance work requirement.

In addition, an applicant for general assistance is required to apply for other available public assistance programs. By statute, anyone who commits fraud in connection with another public assistance program becomes ineligible from receiving general assistance for the same length of time the person is ineligible for the other benefit program.

LD 220

Makes categorically ineligible for general assistance all members of households who are ineligible to receive TANF benefits pursuant to 22 M.R.S. § 3762(18) [60 month time limit].

Why we Oppose LD 220

This proposal would only impact households that contain minor children.

This Bill Will Harm Children

Children who live in poverty, especially those who live in poverty for long periods of time, are at an increased risk for poor health, cognitive, social and educational outcomes. They are more likely to have physical, behavioral and emotional health problems; to have difficulty in school; to become teen parents; and, as adults, to earn less.

MAINE KIDS COUNT 2012, Social and Economic Status, p. 23.

The poorest demographic in Maine are children. According to the 2016 Maine KIDS Count survey, currently 19% of Maine children live in poverty (nearly one in five children in the State of Maine). This number has increased from 16% in 2008. (Nearly one in six children in the State of Maine). <http://www.aecf.org/resources/the-2016-kids-count-data-book/#state-rankings>. All TANF households contain minor children who are incapable of supporting themselves. By making all household who have been timed off of TANF categorically ineligible for general assistance this bill will have the effect of deepening the level of poverty, and increasing the risk of homelessness, experienced by the most vulnerable segment of our population, those who had no choice in creating their situation or ability to change their circumstance, our children.

We also oppose these bills because they are likely to increase homelessness

By limiting the assistance provided by general assistance to Maine's most vulnerable populations these bills will severely limit the ability of low-income individuals to maintain current housing or arrange for alternative housing, thereby increasing the likelihood that these individuals will become homeless. As we all know the consequences of homelessness are severe, both to the family and to society. They include the exacerbation of problems which may have caused homelessness. Homeless people have less access to housing, jobs, health care, and basic needs like food and clothing. Isolation and lack of social support are well-documented aspects of homelessness, particularly for people living with mental health or substance abuse disorders. Homeless women and men have significantly less family support and this often limits opportunities for recovery and prevention. Once an individual becomes homeless, it is likely that she will need additional government assistance to return to stable housing.

This Bill Will Result in the State of Maine Failing to Protect Its Most Vulnerable Residents, Our Children

In reviewing all of these proposals it is important to focus on the individuals that the General Assistance program is meant to assist. Attached as exhibit A is a copy of the general assistance maximums that apply in the State of Maine. For a single parent who lives with a child in Bangor the maximum is \$628 per month. This means that if a person's income exceeds this amount a two person household is not eligible for assistance. For purposes of comparison, the poverty level for a two person household is \$1,335 per month.

Obviously, anyone who is eligible for benefits for this program is desperately poor. As set forth above, there are protections already in place that ensure that only people who truly need assistance receive general assistance benefits.

To make low-income Mainers in households with minor children, who otherwise meet the requirements of the general assistance program, ineligible simply because they have minor children would mean that this State will fail in its obligation to protect our most vulnerable residents, our children.

LD 36

What this Bill would do

This bill would limit to a maximum of 275 days every 5 years the general assistance benefits a person who is capable of working may receive.

Why we oppose LD 36

This bill is duplicative and unnecessary

The general assistance program already has a work requirement. 14 M.R.S. § 4316-A. This work requirement prohibits anyone from receiving assistance for 120 days who without good cause:

1. Refuses to search for employment
2. Refuses to register for work
3. Accept employment
4. Refuses to participate in training
5. Fails to perform workfare
6. Quits work or is fired from a job due to misconduct

Given the requirements already included in Maine law, this bill unnecessarily punishes applicants who through no fault of their own are either unable to secure permanent employment or are only able to obtain part-time low wage jobs.

This bill does not set forth a standard to define ability to work

This bill requires a general assistance administrator to make a medical determination of who is capable of working. There are at least three public assistance programs that provide assistance to low-income Mainers based upon an individual's ability to work. These programs include TANF-IP, MaineCare, and Supplemental Security Income.

For each of these programs an individual's ability to work is made by medical professionals employed by the Department of Health and Human Services Medical Review Team.

A General Assistance Administrator is not trained to make a medical determination. In addition, any appeal of a decision by a general assistance administrator will then go to a hearing officer (most often a Town Manager or Board of Selectman) who is also unlikely to have sufficient medical training to determine whether a person is able to work.

In our view a major problem with the general assistance program is the inconsistent manner in which the same program requirements are administered by different municipalities. This proposal merely adds another provision that will be subject to different interpretation by different administrators.

This bill makes no exception for an emergency situation

One of the primary purposes of the general assistance program is to help individuals deal with unexpected emergencies. This bill would make many Mainers ineligible for general assistance to help alleviate an emergency situation.

For example, an individual who received assistance for 9 months because she was unemployed, who then gained employment, remained employed for 4 years, and then lost a job through no fault of her own, would be ineligible for assistance even to alleviate a life threatening situation. Ineligibility for general assistance would result even if the emergency was the result of an individual having to flee a domestic violence situation.

LD 219

This bill would make an applicant who fails to utilize an available resource without just cause ineligible to receive general assistance for a period of 120 days.

Why We Oppose LD 219

This bill is duplicative and unnecessary

Currently, as a condition of eligibility, an applicant for general assistance is required to apply for other available public assistance programs and make use of potential resources. 22 M.R.S. § 4317 makes an individual who fails to utilize a potential resource without just cause ineligible to receive general assistance benefits until the applicant makes a good faith effort to secure the resource.

Existing law already prevents the expenditure of general assistance funds to assist an applicant who has other available resources. Adding an additional 120 day penalty does not protect the expenditure of scarce general assistance resources. Rather, it simply punishes applicants even after they have utilized any potential resource that may be at their disposal.

We also oppose this bill because there are many reasons an individual or a family may give up a resource. A person who is a victim of domestic violence may move from a subsidized apartment to get away from an abusive relationship. The domestic violence may do this even though she could potentially qualify for a protection from abuse order that might allow her remain in her community. A parent may decide to give up a resource and move to a different community so that her children can attend better schools or live in a safer neighborhood. An individual may move for a job that is later terminated or doesn't materialize. Children may move to take care of elderly parents. Parents may move to help take care of grandchildren. People may move to be closer to family. The point is that none of these decisions will be based upon whether an individual thinks they may not be able to receive a general assistance benefit from a program whose maximum benefit level will almost certainly be insufficient to meet their needs.

All of these examples beg the question of how "good cause" will be interpreted by different administrators in different municipalities. Without consistency between municipalities there is little cause for confidence that the "good cause" portion of the bill would be fairly and consistently administered.

LD 10

LD 10 would add an additional penalty so that any person who makes a false representation of a material fact is ineligible to receive general assistance for a period of 24 months or until the person reimburses the municipality for any assistance wrongfully received.

Why We Oppose LD 10

22 M.R.S. § 4315 currently makes an individual who makes a false misrepresentation ineligible to receive general assistance for a period of 120 days. In our view this is already a very severe consequence, especially when compared to penalties handed out to individuals who violate laws not associated with public assistance programs.

In addition, we oppose this bill because of our experience in how the current law is interpreted. Pine Tree Legal Assistance has been involved in cases in which individuals have been denied general assistance for making a false representation as a result of failing to report 28 cents to a general assistance administrator, for failing to report the purchase of a cup of coffee, and for failing to report as a resource a phone provided by a family member or church. In our view these types of cases should not result in the consequences proposed by this bill.

Again, all of these examples beg the question of how this provision will be interpreted by different administrators in different municipalities. Without consistency between municipalities there is little cause for confidence that this bill will be fairly and consistently administered.

This bill requires that anyone who makes a misrepresentation and receives benefits, will have to repay those benefits before they can receive any future general assistance. Given the income level of those persons who would qualify for benefits under this program, this requirement is likely to result in a life-time ban.

It does not appear that this result is justified for someone who failed to report the purchase of a cup of coffee to a general assistance administrator.

GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	628	734	916	1,141	1,326
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Cannel, 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	590	618	733	1,025	1,185
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	549	650	849	1,070	1,136
Portland HMFA: 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	803	956	1,181	1,563	1,641
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	958	964	1,245	1,684	1,833
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	638	773	1,025	1,466	1,747

Appendix A
Effective: 10/01/15-09/30/16

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	762	810	960	1,245	1,579
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	695	796	1,009	1,370	1,418

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

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	603	620	747	946	1,036
Franklin County	630	658	780	971	1,382
Hancock County	647	733	933	1,228	1,246
Kennebec County	570	659	843	1,057	1,126
Knox County	736	741	913	1,170	1,298
Lincoln County	666	739	932	1,161	1,245
Oxford County	567	618	758	1,023	1,324
Piscataquis County	578	659	814	1,033	1,105
Somerset County	659	690	821	1,117	1,121
Waldo County	649	737	873	1,189	1,265
Washington County	572	629	749	955	1,158

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