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Testimony of the Maine Municipal Association

In Conditional Support of LD 10
An Act To Build Greater Accountability into the General Assistance Program by Increasing the Penalty for Falsely Representing Information on an Application for General Assistance

In Opposition to LD 36
An Act To Create a 9-month Time Limit on General Assistance Benefits for Certain Persons

In Support of LD 219
An Act To Prioritize Use of Available Resources in General Assistance Programs

In Support of LD 220
An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program

In Support of LD 221
An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Correctional Facility

In Opposition to LD 1109
An Act To Improve General Assistance Reimbursements

April 10, 2017

Senator Brakey, Representative Hymanson, members of the Health and Human Services Committee, my name is Geoff Herman and I am testifying as indicated above on the six General Assistance-related bills being presented at this public hearing on behalf of the Maine Municipal Association. At its several meetings over the last three months, MMA's 70-member Legislative Policy Committee has reviewed all six of these bills and voted to take the support or oppose position on each as described in more detail below.

Conditional Support for LD 10. Municipal officials are no fans of fraud or false representation in the General Assistance system. Moving immediately from a three month to a 24 month disqualification period is far too aggressive a response, from the municipal perspective, and the disqualification of a person committing fraud who is the head of a household inevitably harms members of the household who did not contribute to the fraud. Therefore, our Policy Committee recommends a graduated punishment approach as used in the TANF program for certain programmatic offenses. It is our understanding the first offense in TANF results in a

disqualification for 3 months, the second offense results in a 12-month disqualification, and the third and subsequent offenses result in the full 24-month disqualification.

Opposition to LD 36. People do not linger in a properly administered General Assistance program. They are required to perform workfare and conduct constant work searches. They are required to pursue every potential resource and utilize every available resource that can be identified to them. They are required to report the use of all of their income and no misused income is replaced with GA benefits. It is not the type of program where people comfortably stay for long periods of time. If they are in the program for extended periods of time, it is out of necessity and should not be arbitrarily curtailed.

The other reason MMA's Policy Committee voted to oppose LD 36 is the extraordinary difficulty in administering the 275 day utilization allowance over any five year period. General Assistance applicants often do not enjoy high levels of stability in their lives. They move to different communities, they may get a week's worth of assistance and then three months later, two members of the previous 4 member household gets a one-time emergency benefit, and then they disappear for a summer until on person in the original group comes back in the early winter for some heating fuel. LD 36 expects the municipalities, in some collaborative fashion that does not presently exist, to track all of that to keep abreast of each recipient's 275 day allowance. It is not an administrative mandate that the municipalities would welcome.

Support for LD 219. Since the General Assistance law was modernized in the 1970s and early 1980s from the pre-existing "pauper laws", GA recipients have been required to make use of all available and potential resources, but there are limited tools in statute to address the circumstance of a recipient forfeiting those resources once they are obtained. LD 219 was developed by the Maine Welfare Directors Association several years ago in an attempt to establish some accountability with respect to some GA recipients' refusal to recognize the value of the programmatic resources that are being provided to them outside of the GA program. When these recipients of GA abandon those resources only to increase their need for General Assistance from the community, our local administrators become justifiably frustrated. LD 219 was crafted to include a full slate of "just cause" reasons that might justify what might otherwise appear to be an abandonment or forfeiture of an available resource to protect against the application of an inappropriate program penalty. Maine's municipal leaders cannot understand why such a balanced amendment to General Assistance law that is designed to improve program accountability is so regularly rejected by the state Legislature.

Support for LD 220. The municipal support for LD 220 stems from direct observation at the local level. Blanket or categorical disqualifications of otherwise qualified households from eligibility for state-federal benefits under the Temporary Assistance for Needy Families program results in an immediate and direct shift of public assistance responsibility to the local level, moving the financial burden to the local (property tax) and state level. That type of direct shift does not make sense. The municipal community was not generally supportive of the 5-year lifetime TANF time limit, but now that the TANF time limit is part of Maine's law and its effects are being realized, the municipal community has nowhere to go but support the synchronization of the disqualification between the two somewhat parallel public assistance systems.

Support for LD 221 and Opposition to LD 1109. The reasons behind the municipal support for LD 221 are consistent with the reasons for municipal opposition to LD 1109. Attempting to administer General Assistance eligibility for applicants on the basis of a "municipality of responsibility" that is not the town or city where the applicant is physically present creates an administrative nightmare. A relatively small version of that administrative nightmare was generated with the enactment of the "released prisoner" law that LD 221 seeks to repeal. A very large version of that administrative nightmare would be created with the enactment of LD 1109.

At issue is the legitimate interest of the designated "municipality of responsibility" (which is other than the municipality where the applicant is physically present) to be included in the verification of that municipality's alleged responsibility and further involved in the determination of the applicant's eligibility for GA. The verification and administrative coordination process takes a good deal of time, involves a significant amount of document verification and very quickly become a very consuming administrative task for both municipalities.

Under the earlier "pauper laws" out of which the modern General Assistance program was created 40 years ago, a municipality's financial responsibility from public assistance was determined by the applicant's "settlement", which was his or her municipality of birth until the applicant had "settled" in another municipality for a period of at least five years. The courts, including the Supreme Judicial Court, became clogged with "settlement cases" and frustrated with the task of trying to sort out who lived where and when, and how to document or otherwise prove their residency. In recognition of the administrative and judicial burden of trying to document a person's residency for this purpose, the Legislature essentially abolished all residency determination standards in the creation of the modern General Assistance program. The burden on those municipalities where General Assistance applicants tend to migrate, formerly addressed in the design of the state reimbursement system, needs to be addressed in some other way than the application of settlement-like residency standards, which are unworkable.