

ARTICLE 2 DEFINITIONS

Sec. 7-201 Common Meaning of Words

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

Sec. 7-202 Special Definitions

As used in this Chapter, the following enumerated words and terms have meanings ascribed to each of them:

1. Applicant. An "applicant" is a person who has submitted, either 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, all persons on whose behalf an application has been submitted or on whose behalf benefits have been granted shall be considered applicants.
2. Application form. The "application form" is a standardized form used by the general assistance administrator for the purpose of allowing a person to apply for general assistance and confirming the fact that a person has made application. The application form must be signed by the applicant to be considered complete.
3. Basic necessities. "Basic necessities" are food, clothing, shelter, fuel, electricity, non-elective medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical 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 security deposits for rental property, except for those situations where 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 need for the immediate payment of the security deposit or payment in full. (22 M.R.S.A. § 4301.1).
4. Case record. The "case record" is 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 types and amounts of assistance provided; and all records concerning an applicant's request for fair hearing and those fair hearing decisions.
5. Categorical assistance. "Categorical assistance" is all state and federal income maintenance programs.
6. Claimant. A "claimant" is a person who has requested a fair hearing.
7. Deficit. An applicant's "deficit" is the appropriate overall maximum level of assistance for the household as provided in Section 7-608 of this Chapter less the household income as calculated pursuant to Section 7-607 of this Chapter, provided such a calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.
8. Disabled person. A "disabled person" is 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.
9. Dwelling unit. A "dwelling unit" is 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).

GENERAL ASSISTANCE

10. Eligible person. An "eligible person" is a person who is qualified to receive general assistance from the municipality according to the standards of eligibility set forth in this ordinance. (22 M.R.S.A. § 4301.3).
11. Emergency. An "emergency" is 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. (22 M.R.S.A. §§ 4301.4, 4308.2, 4310).
12. General assistance 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 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 responsibility of each municipality to provide general assistance to a person each time that the person is in need and is found to be otherwise eligible to receive general assistance. (22 M.R.S.A. § 4301.5).
13. General Assistance Administrator. The "General Assistance Administrator" is 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 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). In the Town of Farmingdale the Board of Selectmen is the Board of Overseers and its agent is the Town Clerk. They are the "General Assistance Administrator" as used herein. Any reference herein to the "Administrator" means the General Assistance Administrator.
14. 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 under this Chapter. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S.A. § 4301.6).
15. Income. "Income" means any form of income in cash or in kind received by the household including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds, and household income from any other source, including relatives or unrelated household members.
 - A. The following items shall not be considered as income or assets which 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;

GENERAL ASSISTANCE

- 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 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.
- B. 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)
16. Just cause. "Just cause" means a valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility. (22 M.R.S.A. §§ 4301.8, 4316-A.5)
17. Lump sum payment. "Lump sum payment" means a one-time or typically nonrecurring sum of money issued to an applicant or recipient after an initial application. 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 has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid 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. The term "conversion of a non-liquid resource to a liquid resource" refers, in general, to a settlement of an insurance claim filed as a result of damaged or destroyed property. (22 M.R.S.A. § 4301.8-A).
18. Material fact. A "material fact" is fact that necessarily has some bearing on the determination of an applicant's General Assistance eligibility, and which would, if disclosed to the administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.
19. Maximum levels of assistance. "Maximum levels of assistance" means the amount of financial assistance for a commodity or service as established in Section 7-608 of this Chapter or the actual cost of any such basic necessity, whichever is less.
20. Misconduct. "Misconduct" means conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violations or disregard of standards of behavior which the employer has a right to expect of his employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer. (26 M.R.S.A. § 1043(23)).
21. Municipality. "Municipality" means the Town of Farmingdale or any other city, town or plantation administering a general assistance program.
22. Municipality of responsibility. The "municipality of responsibility" means the municipality which is liable for the support of an eligible person at the time of application. (22 M.R.S.A. §§ 4301.9, 4307).

GENERAL ASSISTANCE

23. Need. The term "need" means 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).
24. Net general assistance costs. "Net general assistance costs" are 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 assistance program. (22 M.R.S.A. §§ 4301.11, 4311).
25. Period of eligibility. "Period of eligibility" means 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).
26. 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 ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting 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.
27. Real estate. "Real estate" means any land, buildings, homes, mobile homes and any other things affixed to the land. (22 M.R.S.A. § 4301.13).
28. Recipient. A "recipient" is a person who has applied for and is currently receiving general assistance.
29. Resident. A "resident" is 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 eligible, until he/she establishes a new residence in another municipality (see Section 7410). (22 M.R.S.A. § 4307).
30. Resources. "Resources" include any program, service, or other sources of support which are an alternative to or supplement for general assistance. There are two kinds of resources; available and potential. Potential resources are 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. Potential resources include but are not limited to any state or federal assistance program, employment benefits, governmental or private pension program, 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/AFDC programs, 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.,

GENERAL ASSISTANCE

relocation beyond the immediate region). Available resources also include the services, commodities or facilities made available by private organizations when:

- A. The applicant voluntarily agrees to utilize such services;
- B. The municipality has established a contractual relationship with the private organization to provide services or commodities when requested;
- C. The municipality is able to secure the services or commodities needed by an applicant from the private organization for any consideration acceptable to both the organization and the municipality; or
- D. The service is available and offered at no cost to the applicant and deemed necessary by a physician, psychologist or other professional retraining or rehabilitation specialist.

“Charities.” Charities may be considered private organizations which are available resources only if the charity places no unreasonable requirements on the applicant which are violative of the applicant’s fundamental rights. *Fjeld v. Lewiston, Andro. Sup. Ct. CV 87-4*; *Bolduc v. Lewiston, Andro, Sup. Ct. CV 87-248*).

31. 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.
32. Unmet need. An applicant's "unmet need" is the household's 30-day need as established by Section 7-606 of this Chapter less the household income as calculated pursuant to Section 7-607 of this Chapter, 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.
33. Work requirements. "Work requirements" are those obligations the municipal administrator places on applicants for general assistance as directed or authorized by 22 M.R.S.A. § 4316-A to the extent such obligations ensure a continuing potential eligibility for general assistance when complied with, result in disqualification when violated, and are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.