



Town Council Regular Meeting

Wednesday, October 15, 2025 at 7:00 PM

Town Hall Council Chambers
320 Ocean House Road

Live on CETV/Hybrid Meeting

Hybrid Meeting - Members of the Public May Participate Remotely During Public Comment Opportunities.

To view the meeting livestream: <https://cetv.capeelizabeth.org/> and push watch in the upper right hand corner.

Live broadcast on CETV, live stream and remote participation are offered as a convenience when the technology is available and operational in the given meeting space. If the technology is not available or in the event there is a disruption in service and the communication can't be restored the expectation is the meeting will continue.

Remote Access Instructions: A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

<https://zoom.us/j/97315637973>

Meeting ID: 973 1563 7973

[Joining Instructions](#)

+1 646-931-3860

A. Convening of the Meeting

B. Roll Call by the Town Clerk

Penelope A. Jordan, Chair
Stephanie P. Anderson

Caitlin J. Harriman
Jonathan T. Sahrbeck
Elizabeth K. Scifres
Andrew B. Swayze
Timothy L. Thompson

C. The Pledge of Allegiance to the Flag

D. Town Council Reports and Correspondence

- 1) Ralph Gould Award -

E. Finance Committee Report

- 1) Financial Dashboard -
- 2) Quarterly Financials Presentation -

F. Town Manager's Monthly Report

G. Review of Draft Minutes

- 1) Approval of September 8, 2025 Regular Town Council Meeting Minutes -

H. Agenda Items

- 1) Proclamation of Domestic Violence Awareness Month
- 2) Public Hearing: Sawyer Road/ Spurwink Marsh Project
- 3) Executive Session- Spurwink Marsh/ Sawyer Road Project
- 4) Discontinuance Order for Sawyer Road at the Spurwink Marsh
- 5) Tacos Y Tequila Liquor License Renewal
- 6) Council Appointment to School Building Committee
- 7) General Assistance Ordinance and Appendices Update
- 8) FEMA Reimbursements and State Paving Funds
- 9) Employment Agreement with Public Works Bargaining Unit
- 10) FY 2025 Carryforward amendment- Salt Shed
- 11) Miscellaneous Amendments Part 2- Referral to Ordinance Committee
- 12) Amendments to Chapter 2- Administrative Code — Referral to Ordinance Committee
- 13) Shore Road / Cliff House Beach Area Parking — Referral to Ordinance Committee
- 14) Chapter 13- Parking Amendments on Fenway Road
- 15) Fort Williams Master Plan Planning Board Recommendation

I. Citizen Opportunity for Discussion of Items Not on the Agenda

J. Adjournment

Public Participation at Town Council Meetings

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council.

The chair may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

Speaking at the meeting on topics not on the agenda at regular Council meetings

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda.

Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

Decorum

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chair.

Contact: Angela Frawley (angela.frawley@capeelizabeth.gov) (207-799-7665) | Agenda published on 00/00/2025 at 0:00 PM

Dashboard September 30, 2025

	<u>Previous Year</u>	<u>Previous Year</u>	<u>Previous Year</u>	<u>Current Year</u>	<u>Current Year</u>	<u>Current Year</u>	<u>\$ Change from</u>
	<u>Budget</u>	<u>\$ To Date</u>	<u>% of Budget</u>	<u>Budget</u>	<u>\$ To Date</u>	<u>% of Budget</u>	<u>Previous Year</u>
Key Revenues							
Excise Taxes	\$ 2,700,000	\$ 751,822	27.85%	\$ 2,700,000	\$ 772,804	28.62%	0.78%
Revenue Sharing	\$ 1,300,000	\$ 374,633	28.82%	\$ 1,300,000	\$ 346,650	26.67%	-2.15%
Building Permits	\$ 140,000	\$ 107,407	76.72%	\$ 160,000	\$ 70,924	44.33%	-32.39%
Cable Franchise Fee	\$ 160,000	\$ -	0.00%	\$ 140,000	\$ -	0.00%	0.00%
Other Funds							0.00%
Sewer Fees	\$ 2,387,025	\$ 222,955	9.34%	\$ 2,392,993	\$ 228,063	9.53%	0.19%
PHL Gift Shop Sales	\$ 800,500	\$ 483,000	60.34%	\$ 858,000	\$ 523,347	61.00%	0.66%
Ft Williams Pay and Display Revenue	\$ 700,000	\$ 242,630	34.66%	\$ 754,600	\$ 301,641	39.97%	5.31%
Key Expenditures							
Health Insurance	\$ 1,175,200	\$ 270,376	23.01%	\$ 1,438,803	\$ 296,752	20.62%	-2.38%
Public Works Overtime	\$ 120,000	\$ 50,885	42.40%	\$ 120,000	\$ 4,114	3.43%	-38.98%
Public Works Vehicle Maint.	\$ 119,000	\$ 37,505	31.52%	\$ 127,000	\$ 27,729	21.83%	-9.68%
Public Works Demo Disposal Fees	\$ 129,000	\$ 36,795	28.52%	\$ 129,000	\$ 25,631	19.87%	-8.65%
De-icing Materials	\$ 135,000	\$ -	0.00%	\$ 120,000	\$ -	0.00%	0.00%
Legal Services	\$ 66,000	\$ 10,333	15.66%	\$ 66,000	\$ 10,333	15.66%	0.00%



Cape Elizabeth Town Council

Draft Minutes Monday, September 8, 2025

7:00 PM

Town Hall Council Chambers

**Penelope A. Jordan,
Chair**

Stephanie P. Anderson

Caitlin J. Harriman

Jonathan T. Sahrbeck

Elizabeth K. Scifres

Andrew B. Swayze

Timothy L. Thompson

A. Convening of the Meeting

Chair Jordan convened the meeting at 7:02 p.m.

Members Present:

Councilor Harriman, Councilor Sahrbeck, Councilor Scifres, Councilor Swayze, Councilor Thompson, Chair Jordan

Members Absent:

Councilor Anderson

B. Roll Call by the Town Clerk

C. The Pledge of Allegiance to the Flag

D. Citizen Opportunity for Discussion of Items Not on the Agenda

Speakers:

Sandra Shapiro-Hurt, 75 Oakhurst Road

E. Town Council Reports and Correspondence

Speakers:

Chair Jordan shared that on Sept 22, 2025 7pm stakeholder meeting re: Sawyer Road Project. On October 8, 2025, the Sawyer Rd project will be a topic at the Town Council workshop.

F. Finance Committee Report

1) Finance Committee Update

Finance Chair Scifres provides a brief summary of the financial reports and summaries provided by Finance Director, Kristie Bradbury.

Speakers:

G. Town Manager's Monthly Report

Town Manager's Report

September 8, 2025

Manager Remarks: In an age of instant access and information overload, Towns are still

searching for the most effective ways to get relevant information to our citizens about the issues they care about most. I certainly don't expect every resident to read every board or committee agenda to find items that pertain to their particular interests or location in Town. However, in the coming weeks we will be examining items of particular interest to specific neighborhoods. In an attempt to offer custom communication on these items, the following three topics will be added to our Email Subscription service located under the "Stay Connected" menu item on the home page:

- Shore Road/ Cliff House Beach Area Parking
- Sawyer Road / Spurwink Marsh Project
- Cellular Communication Tower potential for Shore Road and Littlejohn Road

Residents who already subscribe to other topics may log into their account using the associated email and click on these additional topics. New subscribers may register by creating account using their email. To change a current subscription and/or become a new subscriber, to Stay Connected/Email Subscriptions.

<https://public.govdelivery.com/accounts/MECAPEELIZABETH/subscriber/new>

As materials related to these three new topics are posted to the website, subscribers will receive an email notification. Please address questions to Susana Measelle Hubbs at susana.hubbs@capeelizabeth.gov

Councilor Requests and Follow ups: Property Tax Bills will be mailed out in the next two weeks and the first due date is October 15th .

Bids, Events and Special Announcements:

➤ The IT Department has advertised the RFP for a Privacy and Security Assessment, as recommended by the Town Privacy Committee. Bids will be accepted until Noon on Wednesday, October 1st. See the Town website for more details.

➤ September is National Library Card Sign-Up Month. At Thomas Memorial Library there will be a chance to win a raffle prize for all new card members, and the 4,989 active card members can join in the raffle by visiting the library at least four times in the month of September. Library card registration and overall use continue to increase in Cape. Let's keep that trend going.

H. Review of Draft Minutes

1) Town Council Minutes - Draft - August 11, 2025

ORDERED, the Cape Elizabeth Town Council approves the draft minutes from the August 11, 2025 Regular Town Council Meeting.

Moved by Councilor Thompson and Seconded by Councilor Harriman

Approve

6 Yes, 0 No

Speakers:

I. Agenda Items

1) Climate Action Plan Acceptance

ORDERED, the Cape Elizabeth Town Council accept the Cape Elizabeth Climate Action Plan as presented.

Moved by Councilor Swayze and Seconded by Councilor Scifres

Approve

6 Yes, 0 No

Speakers:

Dave Bagdasarian, Energy Committee Staff

Kelly Grehberg, GPCOG

2) Fire Truck Purchase

ORDERED, the Cape Elizabeth Town Council authorize the Town Manager to utilize donated funds towards the purchase of a Mini-Pumper Fire Truck with a total purchase price of \$400,000.

Moved by Councilor Harriman and Seconded by Councilor Scifres

Approve

6 Yes, 0 No

Speakers:

Chief Young, Cape Elizabeth Fire Chief

Councilor Thompson

Patrick Fox, TownManager

3) Thomas Jordan Trust Policy Amendment

ORDERED, the Cape Elizabeth Town Council approve authorizing the Town Manager to approve emergency expenditures of up to \$2,000 for emergency assistance under the Thomas Jordan Trust Policies and Standards.

Moved by Councilor Swayze and Seconded by Councilor Scifres

6 Yes, 0 No

Speakers:

Chair Jordan

4) Miscellaneous Amendments to the Zoning and Subdivision Ordinances

ORDERED, the Town Council refer the Planning Board's recommended changes to the Zoning and Subdivision Ordinances to the Ordinance Committee for review.

Moved by Councilor Sahrbeck and Seconded by Councilor Swayze

Approve

6 Yes, 0 No (None)

Speakers:

5) Amendments to Chapter 13- Traffic Regulations

ORDERED, the Town Council refer the suggested changes to Chapter 13- Traffic Regulations, to the Ordinance Committee for review.

Moved by Councilor Swayze and Seconded by Councilor Sahrbeck

Approve

6 Yes, 0 No

Speakers:

Councilor Swayze

Councilor Sahrbeck

Councilor Harriman

Councilor Thompson

6) Spurwink Marsh/Sawyer Road Discontinuance

ORDERED, the Cape Elizabeth Town Council schedules a public hearing for

October 15, 2025, to discuss the proposed discontinuance of the portion of Sawyer Rd in the Spurwink Marsh.

Moved by Councilor Sahrbeck and Seconded by Councilor Scifres

Approve

6 Yes, 0 No

Speakers:

Phineas Sprague, 159 Charles E Jordan Rd

Elizabeth Hayes, 1275 Sawyer Road

Chair Jordan

Councilor Sahrbeck

Councilor Harriman

Councilor Swayze

Councilor Scifres

7) Motion to Enter into Executive Session

ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 M.R.S. § 405 6. A & D. to discuss Labor Contract Negotiation Updates.

Moved by Councilor Harriman and Seconded by Councilor Swayze

Approve

6 Yes, 0 No

Speakers:

J. Executive Session

1) Labor Contract Negotiation Updates

Speakers:

K. Adjournment

Moved by Councilor Harriman and Seconded by Councilor Swayze

ORDERED, the Cape Elizabeth Town Council adjourns at 9:15PM

Approved.

6 yes) (0 no)

Respectfully Submitted,

Angela S. Frawley, Town Clerk



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

Proclamation of Domestic Violence Awareness Month

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

Through These Doors requested that the Town Council adopt the attached proclamation and declare October 2025, Domestic Violence Awareness Month, in Cape Elizabeth. This effort is in part to raise awareness about the signs of abuse and ways to stop it, and to uplift survivor stories and provide additional resources to leaders and policymakers.

Exhibit: DV Month Proclamation_Cape Elizabeth.docx (1)

Draft Motion: ORDERED, the Cape Elizabeth Town Council adopt this proclamation declaring October 2025 Domestic Violence Awareness Month in Cape Elizabeth.

Whereas, domestic abuse and violence is a serious injustice that affects people and family of all races, ages, genders and income levels; and

Whereas, 1 in 4 women and 1 in 7 men has experienced abuse and violence by an intimate partner in their lifetime, and trans and gender non-binary people experience abuse from partners at disproportionate rates; and

Whereas, each year, nearly half of all homicides in Maine are related to domestic abuse and violence; and

Whereas, support and help is available in our community 24/7 to anyone affected by domestic abuse at Through These Doors, our local partner who has been supporting victims of domestic abuse and violence in Cumberland County since 1977; and

Whereas, all people in our community have opportunities to support people experiencing abuse and violence, challenge the behavior of abusive people, and transform the belief systems that allow abuse to thrive; and

Whereas, together, our individual actions are what will end domestic abuse;

Now, therefore, be it resolved that the Cape Elizabeth Town Council does hereby proclaim October 2025 as Domestic Violence Awareness Month in the Town of Cape Elizabeth, and we urge all citizens to recognize this observance and to learn more about the local services available to support victims of domestic abuse and violence in our community.



**Town Council Meeting
Wednesday, October 15, 2025**

AGENDA ITEM SUMMARY

Public Hearing: Sawyer Road/ Spurwink Marsh Project

Council Resource: Penny Jordan

Staff Resource: Maureen O'Meara, Town Planner

Background:

At the September 8, 2025 Town Council Meeting, a public hearing was scheduled for tonight's meeting. This public hearing is for additional public comment ahead of entering the State required three-step process for road discontinuance of Sawyer Road. That process will require an additional public hearing in November.

Exhibit: None

Draft Motion: No Motion - Open Public Hearing



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

Executive Session- Spurwink Marsh/ Sawyer Road Project

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

As the Council considers the discontinuance of Sawyer Road, there have been several questions regarding the legal liabilities and requirements surrounding the process and the grant project agreement requirements. Council may choose to enter Executive Session prior to the discontinuance item for any remaining legal discussions with the Town Attorney.

Exhibit: None

Draft Motion: ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 M.R.S. § 405 6. E. to discuss the legal liabilities and requirements pertaining to the Spurwink Marsh/Sawyer Road Project.



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

Discontinuance Order for Sawyer Road at the Spurwink Marsh

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

The road discontinuance for Sawyer Road at the Spurwink Marsh, in accordance with 23 M.R.S ss 3026-A, requires the Council vote on moving the Order of Discontinuance forward, scheduling a public hearing, noticing butters, and a final discontinuance vote at a future meeting. The grant funded project in Cape Elizabeth and Scarborough requires this action in both communities to proceed.

Exhibit: Order of Discontinuance of a Portion of Sawyer Road, Exhibit A- Sawyer Road Plan, Exhibit B to Discontinuance Order, Exhibit C to Discontinuance Order

Draft Motion: ORDERED, the Cape Elizabeth Town Council approve the "Order of Discontinuance of a Portion of Sawyer Road", and hold a Public Hearing on November 10, 2025 at 7:00pm at Cape Elizabeth Town Hall.

Order of Discontinuance of a Portion of Sawyer Road

TO: Residents of the Town of Cape Elizabeth and Other Interested Persons

FROM: Cape Elizabeth Town Council

Having complied with all applicable requirements of 23 M.R.S. § 3026-A, the Cape Elizabeth Town Council hereby orders the discontinuance as a Town way that portion of Sawyer Road beginning at Point of Beginning A as shown on a plan entitled “Plan of Discontinuance, Sawyer Road/Sawyer Street, Cape Elizabeth, ME/ Scarborough, ME” dated: October 1, 2025 (the “Plan”), attached hereto as **EXHIBIT A**, and running in a generally southerly direction for a distance of approximately 370 feet to the town line for the Town of Scarborough where it becomes Sawyer Street. The segment of Sawyer Road to be discontinued is approximately 50 feet wide and is shown more particularly on the Plan and Town Tax Map R105-1 on file at the Cape Elizabeth Town Hall, and described in **EXHIBIT B**, attached hereto.

A public easement will be retained upon discontinuance. The area of the public easement to be retained is shown on the Plan, beginning at Point of Beginning A and ending at the Post Construction Hat Line, and is more particularly described in **EXHIBIT C**, attached hereto.

Having given best practicable notice to all abutting property owners listed below, we further order that no damages be awarded to the abutting property owners because they all retain their existing access to the remaining public road.

Abutters: Paul and Elizabeth Hayes

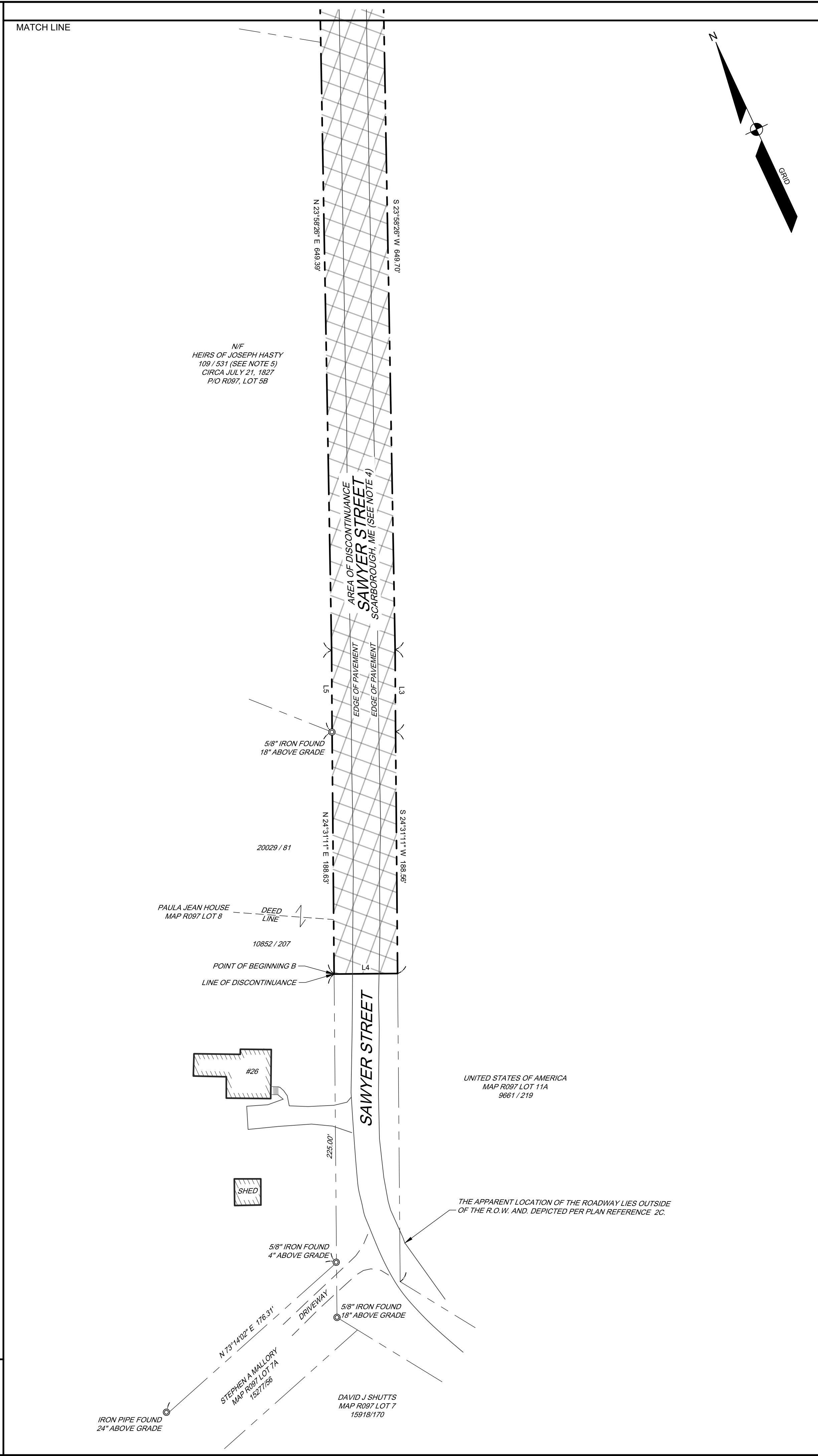
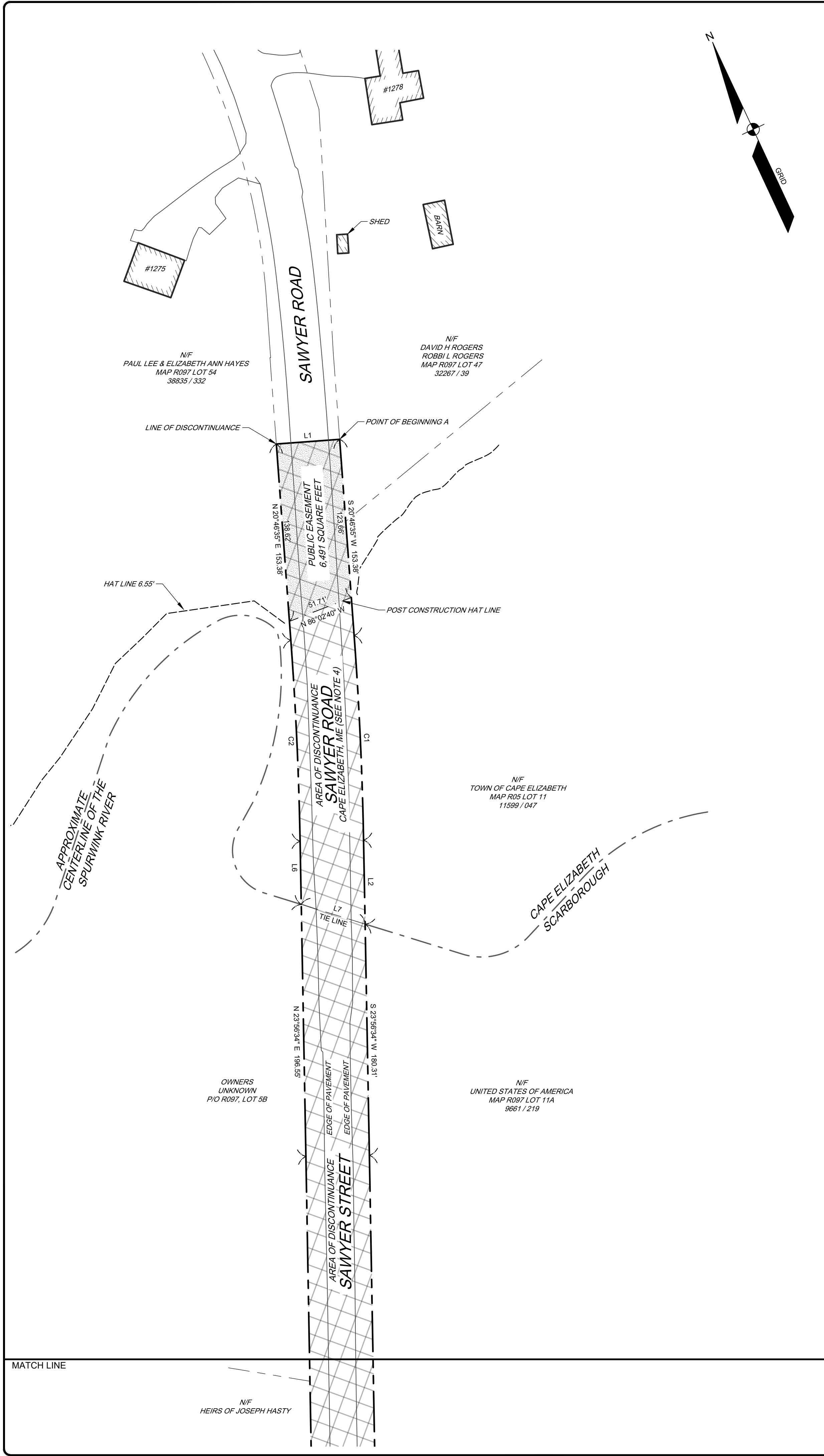
David and Robbi Rogers

Town of Cape Elizabeth

Date:

Penelope A. Jordan

Chair, Cape Elizabeth Town Council



LOCATION MAP

GENERAL NOTES:

- BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN SEPTEMBER OF 2025.
- PLAN REFERENCES:
 - "MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP" STATE AID HIGHWAY NO. 5" DATED JULY 1964 AND RECORDED AT THE CCRD IN PLAN BOOK 69, PAGE 1.
 - "STATE OF MAINE DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS, STATE AID HIGHWAY NO. 5", STATE AID PROJECT NO. C04-05(501), DATED APRIL 1977 AND RECORDED AT THE CCRD IN PLAN BOOK 137, PAGE 37.
 - STANDARD BOUNDARY SURVEY, LAND AT 18 SAWYER STREET", DATED NOVEMBER 1992, BY ROSS BOUNDARY SURVEYS, STEVE N. ROSS, ME PLS 2205, UNRECORDED.
 - "ALTA SURVEY OF LAND LOCATED NORTHEASTERLY OF SAWYER AND SPURWINK ROADS, SCARBOROUGH, ME MADE FOR JOEL MARTIN", DATED OCTOBER 16, 1996 BY OWEN HASKELL, INC., STEPHEN S. SHAW, ME PLS 779, UNRECORDED.
- BASIS OF BEARING IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, GEOID18 IN U.S. SURVEY FEET, ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GNSS OBSERVATIONS.
- AREA OF DISCONTINUANCE:
 - CAPE ELIZABETH: 18,267 SQUARE FEET ±
 - SCARBOROUGH: 53,975 SQUARE FEET ±
- DEED FOUND IN BOOK 109, PAGE 531 POSSIBLE VESTING DEED AS SHOWN ON PLAN. DEED DEED DESCRIPTION IS VAGUE.
- PROPERTIES ADJACENT TO THE SAWYER ROAD R.O.W. ARE DEPICTED TO THE BEST OF THE CERTIFYING SURVEYORS' KNOWLEDGE. RECOMMEND LEGAL TITLE WORK BE DONE TO ASCERTAIN TRUE OWNERS.

CURVE TABLE

CURVE	LENGTH	RADIUS	CRD BEARING	CRD LENGTH
C1	159.66'	2888.93'	S 22°21'34" W	159.64'
C2	156.92'	2839.43'	N 22°21'34" E	156.90'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 69°13'29" E	43.50'
L2	S 23°56'34" W	65.51'
L3	S 24°41'26" W	63.96'
L4	N 65°28'49" W	49.50'
L5	N 24°41'26" E	63.72'
L6	N 23°56'34" E	49.24'
L7	N 47°51'47" W	52.11'

LEGEND

EXISTING	DESCRIPTION
---	PROPERTY LINE/R.O.W.
---	ABUTTER LINE/R.O.W.
---	DEED LINE/R.O.W.
---	EASEMENT
---	TIE LINE
C1/L1	CURVE LINE NO.
N / F	NOW OR FORMERLY
---	TOWN LINE
---	BUILDING
---	DECK/STEPS
⊙	IRON PIPE/ROD
---	EDGE OF PAVEMENT
---	EDGE GRAVEL
---	AREA OF DISCONTINUANCE
---	AREA OF PUBLIC EASEMENT

GRAPHIC SCALE

(IN FEET)
1" = 50 FT.

STATE OF MAINE, CUMBERLAND COUNTY SS, REGISTRY OF DEEDS

RECEIVED _____, 20____
AT _____ H _____ M _____ AND _____
RECORDED IN _____
PLAN BOOK _____ PAGE _____

ATTEST: _____ REGISTER

SEBAGO TECHNICS

SEBAGOTECHNICS.COM
75 John Roberts Rd, Suite 4A
South Portland, ME 04106
207-200-2100
South Portland, Bridgton, Sanford

PLAN OF DISCONTINUANCE

OF:
SAWYER ROAD / SAWYER STREET
CAPE ELIZABETH, ME / SCARBOROUGH, ME

FOR RECORD OWNERS
TOWN OF CAPE ELIZABETH / TOWN OF SCARBOROUGH
P.O. BOX 6260
CAPE ELIZABETH, ME 04107

DESIGNED -
DRAWN CNV
CHECKED PWJ
DATE 10/01/2025
SCALE 1" = 50'
PROJECT 220148

SHEET 1 OF 1

A certain parcel of land encompassing a portion of Sawyer Road situated wholly in Cape Elizabeth, Maine to be discontinued. Said parcel being shown as the **Area of Discontinuance, Sawyer Road, Cape Elizabeth, ME** on a plan entitled "Plan of Discontinuance, Sawyer Road/Sawyer Street, Cape Elizabeth, ME/ Scarborough, ME" dated: October 1, 2025 by: Sebago Technics, Patrick W. Johnson, ME PLS 2408 (Plan). Said Plan being recorded in Plan Book ____ Page ____ in the Cumberland County Registry of Deeds. Said parcel being further described as follows:

Commencing at **Point of Beginning A** as shown on the Plan, said point lying on the easterly sideline of Sawyer Road;

Thence along the easterly sideline of Sawyer Road S 20°46'35" W, a distance of 153.38 feet to a point;

Thence along the easterly sideline of Sawyer Road along a tangential curve concave to the West as defined by the following curve elements: having a radius of 2,888.93 feet, an arc length of 159.66 feet, and a chord that bears S 22°21'34" W, a distance of 159.64 feet to a point;

Thence along the easterly sideline of Sawyer Road S 23°56'34" W, a distance of 65.51 feet to a point;

Thence along the apparent centerline of the Spurwink River N 47°51'47" W, a distance of 52.11 feet to a point on the westerly sideline of Sawyer Road;

Thence along the westerly sideline of Sawyer Road N 23°56'34" E, a distance of 49.24 feet to a point;

Thence along the westerly sideline of Sawyer Road along a tangential curve concave to the West as defined by the following curve elements: having a radius of 2,839.43 feet, an arc length of 156.92 feet, and a chord that bears N 22°21'34" E, a distance of 156.90 feet to a point;

Thence along the westerly sideline of Sawyer Road N 20°46'35" E, a distance of 153.38 feet to a point;

Thence across Sawyer Road S 69°13'25" E, a distance of 49.50 feet to the Point of Beginning.

Containing approximately 18,267 Square Feet.

A certain parcel of land for the purpose of a Public Easement for parking and recreation. Said parcel being shown as the **Public Easement** on a plan entitled "Plan of Discontinuance, Sawyer Road/Sawyer Street, Cape Elixabeth, ME/ Scarborough, ME" dated: October 1, 2025 by: Sebago Technics, Patrick W. Johnson, ME PLS 2408 (Plan). Said Plan being recorded in Plan Book ____ Page ____ in the Cumberland County Registry of Deeds. Said parcel being further described as follows:

Commencing at **Point of Beginning A** as shown on the Plan;

Thence S 20°46'35" W, a distance of 123.66 feet to a point;

Thence N 86°02'40" W, a distance of 51.71 feet to a point;

Thence N 20°46'35" E, a distance of 138.62 feet to a point;

Thence S 69°13'25" E, a distance of 49.50 feet to the Point of Beginning.

Containing approximately 6,491 Square Feet.



**Town Council Meeting
Wednesday, October 15, 2025**

AGENDA ITEM SUMMARY

Tacos Y Tequila Liquor License Renewal

Council Resource: Penny Jordan

Staff Resource: Angela Frawley, Town Clerk

Background:

Tacos Y Tequila has requested a renewal liquor license. The current license expires November 11, 2025.

No concerns have been reported by police, fire and code enforcement.

Exhibit: TYT 2025 Liquor License Application, TYT Cape Elizabeth - Floor Plan, TYT - 102 Supplemental Ownership Form

Draft Motion: ORDERED, the Cape Elizabeth Town Council approves the renewal malt liquor(beer), wine and spirits license from Tacos Y Tequila Cape Elizabeth Inc. located at 517 Ocean House Road.



Application Copy

File Number: 103249 Job Type: Renewal Application

LICENSE # CAR-20-104878	APPLICATION DATE RECEIVED 2025-09-23
LICENSE TYPE On-Premises: Beer, Wine & Spirits	LICENSEE TACOS Y TEQUILA CAPE ELIZABETH INC
AGENT NAME	EFFECTIVE DATE 2024-11-12
EXPIRES 2025-11-11	STATUS Active
PREMISES NAME TACOS Y TEQUILA CAPE ELIZABETH	
NEW SECONDARY LICENSE(S) None selected	
PREMISES TYPE Class A Restaurant	PREMISES NAME TACOS Y TEQUILA CAPE ELIZABETH
OPERATOR TACOS Y TEQUILA CAPE ELIZABETH INC	
PHYSICAL ADDRESS 517 OCEAN HOUSE RD CAPE ELIZABETH ME 04107-2607	

MAILING ADDRESS

517 OCEAN HOUSE RD CAPE ELIZABETH ME 04107-2607

CONTACT NAME

RAMIRO BRAVO

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(207) 835-0011

ALTERNATE PHONE

FAX

EMAIL

info@tacostequila.com

QUESTIONS

On-Premises: Beer, Wine & Spirit

1. Is your business (including any DBA) registered and in good standing with the Maine Secretary of State?

Answer "No" if you are a Sole Proprietor.

Yes

20210203 D

2. Does the licensee or applicant(s) have any interest in any other Maine Liquor License?

No

3. Is the applicant/licensee an individual, partnership, or association? (Not a corporation or LLC)

No

4. Are all licensees/applicants residents of the State of Maine?

No

Ramiro Bravo

5. Is your license for a club with a membership?

No

6. Is your license application for Vessel Corporation?

No

7. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?

Yes

(document uploaded)

8. Do you have a license from the Office of the State Fire Marshal? Contact (207) 626-3870 to determine whether licensure is necessary.

No

9. Will any law enforcement officer directly benefit financially from this license, if issued?

No

10 Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

No

11 Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine?

No

12 What is the full name and date of birth of the person managing this premises?

Ramiro Bravo
09061980

13 Has any of the listed applicants, an immediate family member of an applicant, or an employed manager been denied a liquor license or had a liquor license revoked within the last 5 years?

No

14 Is any of the listed applicants the spouse, father, mother, child or other immediate family member of a person whose liquor license has been revoked or denied in the last 6 months?

No

15 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

16 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

No

17 Does the licensee/applicant(s) own the premises?

No

(document uploaded)

18 At which address are your business records located?

517 Ocean House Rd
Cape Elizabeth, Maine 04107

19 What will be your business hours? Please indicate each day's open and close times.

Monday - Thursday 11:00AM - 10:00PM
Friday - Saturday 11:00AM - 11:00PM
Sunday 11:00AM - 9:00PM

20 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

St Bartholomew Catholic Church
8 Two Lights Rd, Cape Elizabeth, ME 04107
450 FT

21 Is your application for a Hotel or Bed & Breakfast?

No

22 What is the gross food income for the licensure period that will end on the expiration date?

558543.60

23 What is the gross income from beer, wine, and spirits for the licensing period ending on the expiration date?

156985.20

24 Do you have a food menu?

Yes
(document uploaded)

25 How many seats do you have?

70

26 How many bathrooms do you have available to the public?

2

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Lease/Rental Agreement	TYT To Go Menu 2023 CE.pdf	
Food Menu	Tacos Y Tequila Cape Elizabeth Signed Lease 9 - 25 - 2020.pdf	
Premises Floor Plan	TYT Cape Elizabeth - Floor	

Plan.pdf

Maine Health or Agriculture
License

IMG_0893.jpg

Supplemental Ownership Form

102 Supplemental
Ownership Form.pdf

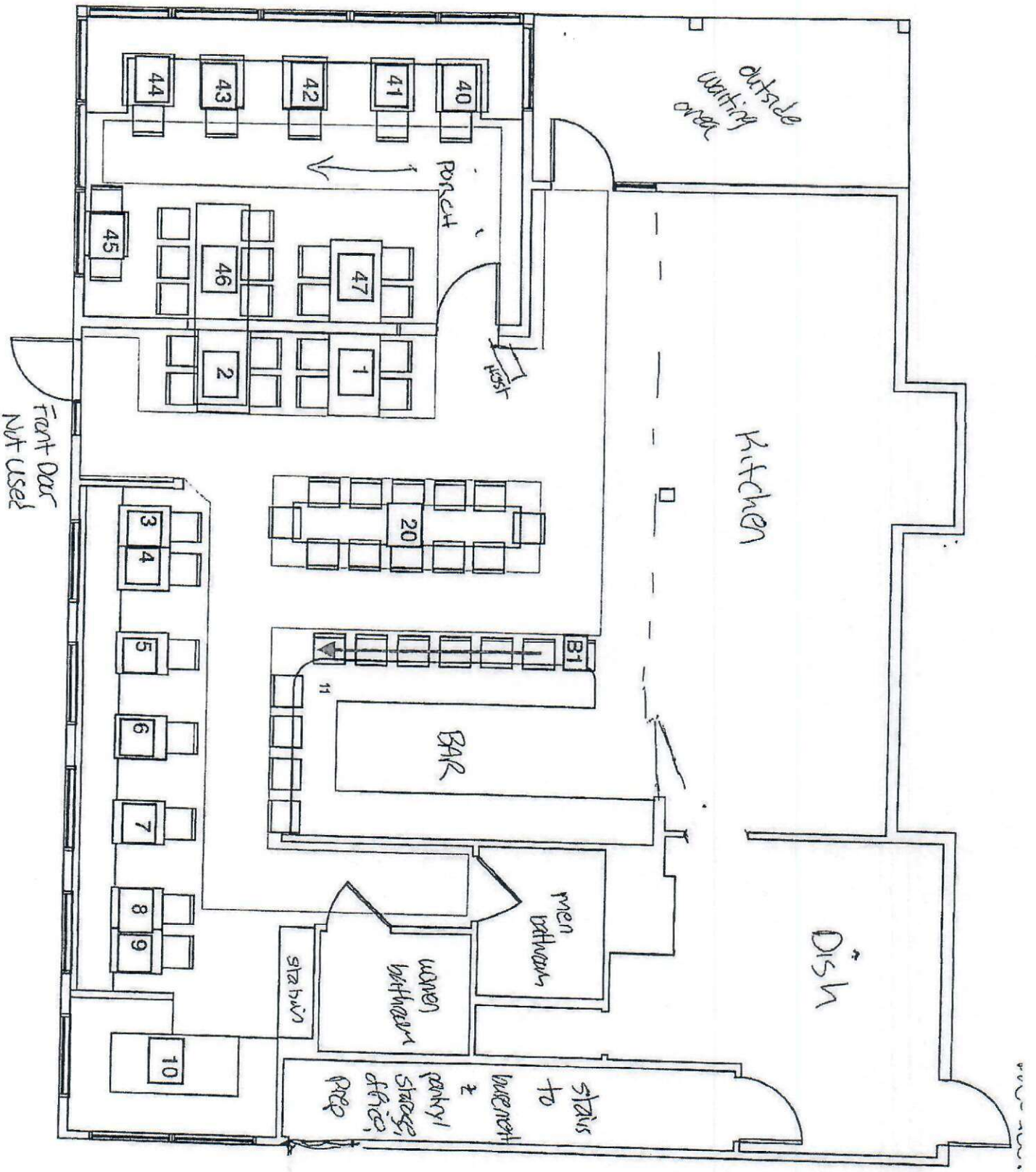
APPLICANT

TACOS Y TEQUILA CAPE
ELIZABETH INC

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.



and

Sheet 1
 517 Ocean House
 1st Floor



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Supplemental Ownership Form

[28-A M.R.S. §651](#)

All Questions Must Be Answered Completely.

1. Company or sole proprietor legal name: Tacos Y Tequila Cape Elizabeth Inc	2. Date of incorporation/registration: 09/30/2020	3. State of incorporation: Maine
--	---	--

List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)
Ramiro Bravo	09/06/1980	info@tacosytequilace.com	1636 Cedar Crest Blvd #311 Allentown, PA 18104	President	100



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

Council Appointment to School Building Committee

Council Resource:

Staff Resource:

Background:

In September the Cape Elizabeth School Board established a School Building Committee to advise and support the Department during the design and construction of the Cape Elizabeth Middle School and renovations to Pond Cover Elementary School. This Committee has one Town Councilor seat available to participate for the duration of the project.

Exhibit: item_8a_School_Board_Building_Committee_Charge_proposed_revision_9-9-25

Draft Motion: ORDERED, the Cape Elizabeth Town Council assigns Councilor _____ to represent the Council on the School Building Committee.

Cape Elizabeth School Building Committee Charge

Purpose

The Cape Elizabeth School Building Committee is established by the Cape Elizabeth School Board as an advisory body to advise and support the School Board and School Department staff on the design and construction of the new Cape Elizabeth Middle School and the renovations to Pond Cove Elementary School.

The Committee provides the design team with feedback and guidance on all design-related decisions and will make formal recommendations to the School Board regarding financial, contractual, and schedule-related matters. Members should anticipate a multi-year commitment to this work.

Responsibilities

The primary responsibility of the Building Committee is to guide the project to successful completion by building substantial consensus on all key issues. Specific responsibilities include:

- Review proposed design changes and refinements throughout the project.
- Review building products, materials, and systems to be incorporated into the project.
- Consider value engineering options as needed to keep the project within budget.
- Develop alternate solutions, if necessary, to maintain alignment with budgetary constraints.
- Review and approve the work of any subcommittees the Committee may establish.
- Refer to the School Board any issues that:
 - Substantially alter the project's original scope,
 - Constitute a major design change, or
 - Would have a significant impact on the budget, schedule, or bonding process.
- Ensure regular communication and transparency with the School Board and the broader community.

Day-to-day project decisions will be made by the Superintendent, with guidance from the Owner's Project Manager (OPM) and architect. This structure is intended to ensure timely decisions and avoid schedule delays, especially during construction.

The Chair of the Committee will provide regular updates to the School Board at its monthly meetings.

Committee Composition

The Committee shall consist of up to **twelve (12)** members as follows:

- **Two (2)** members from the Cape Elizabeth School Board, one serving as Chair and the other as Vice-Chair.
- **One (1) member from the Cape Elizabeth Town Council**
- **Three (3) to Five (5)** community members with collective expertise in areas such as:
 - Architecture
 - Engineering
 - Construction
 - Building systems
 - Education
 - Accounting
 - Project management
- **Four (4)** school employees, appointed by the Superintendent.
- The **Superintendent** will serve as a **non-voting member** of the Committee.

Governance & Operations

- The Committee shall operate in accordance with the Maine Open Meeting Law and Public Records Law.
- The Committee will operate for the duration of the project and will cease upon conclusion of construction.
- The Committee will meet at least once a month for the duration of the project and can schedule additional meetings as needed.
- **The Committee will invite school and town staff members to participate in the committee meetings as warranted.**
- Official minutes will be recorded for all meetings and deliberations.

- The Committee shall comply with all applicable state laws and regulations governing public construction projects in Maine.
- Staff support will be coordinated through the Superintendent's office.

Interested community members and employees who wish to serve on the Building Committee shall submit a written statement expressing their interest to the School Board. All letters of interest shall be emailed or delivered to afuller@capeelizabethschools.org



**Town Council Meeting
Wednesday, October 15, 2025**

AGENDA ITEM SUMMARY

General Assistance Ordinance and Appendices Update

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager
Kristie Bradbury
Finance Director

Background:

Updates have been made to the General Assistance MMA Model Ordinance since the council last adopted the ordinance. The Town's GA Administrator, Paige Kombakis has provided the following documents.

It is recommended that a public hearing be scheduled for November 10, 2025, to adopt the General Assistance Ordinance (9/2025) and Appendices (A-H and Recovery Residence Maximums Guide), October 1, 2025 - September 30, 2026. Please note that over the last few years, the council has not adopted Appendix C Housing Maximums.

Exhibit: 2025 GA Maximums - Appendix A, 2025 GA Maximums - Appendix B, 2025 GA Maximums - Appendix C, 2025 GA Maximums - Appendix D, E, & F & Summary Sheet, 2025 GA Maximums - Appendix G, 2025 GA Maximums - Appendix H, 2025 Recovery Residence Maximums, 25-26 GA Maximum Reference Sheet - Portland, GA Ordinance 2025 redline draft, 2025 MMA Model GA Ordinance, GA Ordinance Adoption Form, 2025 Maximums Memo (1)

Draft Motion: ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, November 10, 2025 at 7:00 p.m. at the Cape Elizabeth Town Hall 320 Ocean House Road the General Assistance Ordinance (October 1, 2025 - September 30, 2026) and Appendices (A-H, and new Recovery Residence Maximums Housing Guide) October 1, 2025 - September 30, 2026.

2025-2026 GA Overall Maximums

Metropolitan Areas

Persons in Household					
COUNTY	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	1,137	1,225	1,566	2,008	2,401
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,317	1,463	1,920	2,410	2,934
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	988	1,093	1,395	1,829	2,030
Penobscot County HMFA: 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	923	968	1,271	1,601	1,895
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	1,517	1,721	2,212	2,798	3,429
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	1,141	1,285	1,579	2,212	2,651

Appendix A
Effective: 10/01/25-09/30/26

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,278	1,443	1,778	2,347	2,586
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,487	1,681	2,168	2,807	3,641

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

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	803	871	1,085	1,486	1,569
Franklin County	842	936	1,228	1,621	1,816
Hancock County	1,139	1,140	1,349	1,787	1,791
Kennebec County	985	991	1,276	1,599	1,913
Knox County	972	987	1,200	1,597	1,780
Lincoln County	1,190	1,213	1,375	1,807	2,217
Oxford County	937	942	1,223	1,623	2,024
Piscataquis County	848	943	1,236	1,489	1,738
Somerset County	932	1,002	1,177	1,532	1,661
Waldo County	1,117	1,123	1,347	1,734	2,284
Washington County	871	875	1,136	1,582	1,695

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

2025-2026 Food Maximums

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, 2025, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	69.30	298.00
2	126.98	546.00
3	182.56	785.00
4	231.16	994.00
5	275.12	1,183.00
6	330.47	1,421.00
7	365.35	1,571.00
8	416.05	1,789.00

Note: For each additional person add \$218 per month.

2025-2026 GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! 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 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

Aroostook County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	149	640	181	779
1	155	667	196	844
2	192	826	245	1,054
3	273	1,174	338	1,451
4	278	1,196	356	1,529
Franklin County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	158	679	190	818
1	170	732	211	909
2	225	969	278	1,197
3	304	1,309	369	1,586
4	336	1,443	413	1,776
Hancock County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	231	995	260	1,118
1	231	995	260	1,118
2	260	1,118	307	1,322
3	351	1,509	408	1,756
4	351	1,509	408	1,756
Kennebec County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	196	841	224	964
1	196	841	225	968
2	243	1,045	291	1,249
3	307	1,321	365	1,568
4	367	1,578	437	1,877

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	192	828	221	951
1	192	828	224	964
2	225	969	273	1,173
3	307	1,319	364	1,566
4	336	1,445	406	1,744
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	243	1,046	272	1,169
1	243	1,046	277	1,190
2	266	1,144	314	1,348
3	356	1,529	413	1,776
4	438	1,882	507	2,181
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	184	793	213	916
1	184	793	214	919
2	231	992	278	1,196
3	313	1,345	370	1,592
4	393	1,689	462	1,988
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	159	685	192	824
1	172	739	213	916
2	227	977	280	1,205
3	274	1,177	338	1,454
4	317	1,365	395	1,698
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	183	788	212	911
1	191	820	228	979
2	220	946	267	1,150
3	292	1,254	349	1,501
4	308	1,326	378	1,625

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	226	973	255	1,096
1	226	973	256	1,100
2	260	1,116	307	1,320
3	339	1,456	396	1,703
4	453	1,949	523	2,248

<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	169	727	198	850
1	169	727	198	852
2	210	905	258	1,109
3	303	1,305	361	1,551
4	316	1,360	386	1,659

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	231	993	260	1,116
1	243	1,043	280	1,202
2	310	1,335	358	1,539
3	402	1,730	460	1,977
4	481	2,066	550	2,365

<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	273	1,173	301	1,296
1	298	1,281	335	1,440
2	393	1,689	440	1,893
3	496	2,132	553	2,379
4	604	2,599	674	2,898

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	196	844	225	967
1	212	911	249	1,070
2	271	1,164	318	1,368
3	361	1,551	418	1,798
4	394	1,695	464	1,994

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	181	779	210	902
1	183	786	220	945
2	242	1,040	289	1,244
3	308	1,323	365	1,570
4	363	1,560	432	1,859
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	319	1,373	348	1,496
1	358	1,539	395	1,698
2	461	1,981	508	2,185
3	586	2,520	644	2,767
4	720	3,094	789	3,393
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	232	997	261	1,120
1	256	1,103	293	1,262
2	313	1,348	361	1,552
3	450	1,934	507	2,181
4	539	2,316	608	2,615
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	264	1,134	292	1,257
1	293	1,261	330	1,420
2	360	1,547	407	1,751
3	481	2,069	539	2,316
4	524	2,251	593	2,550
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	312	1,343	341	1,466
1	349	1,499	386	1,658
2	450	1,937	498	2,141
3	588	2,529	646	2,776
4	769	3,306	838	3,605

2025-2026 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2025 to September 30, 2026.**

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
NOTE: For each additional person add \$75 per month. (The applicable figures from Appendix A, <i>once adopted</i>, should be inserted here.)						

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	\$ 69.30	\$ 298.00
2	126.98	546.00
3	182.56	785.00
4	231.16	994.00
5	275.12	1,183.00
6	330.47	1,421.00
7	365.35	1,517.00
8	416.05	1,789.00
NOTE: For each additional person add \$218 per month.		

APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				
(The applicable figures from Appendix C, <i>once adopted</i> , should be inserted here.)				

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

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>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

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>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

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 - HEATING FUEL

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

FOR MUNICIPAL USE ONLY

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 - PERSONAL CARE & HOUSEHOLD SUPPLIES

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

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>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

2025-2026 Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. The current rate for approved employment and necessary medical travel etc. is 54 cents (54¢) per mile.

Please refer to the Office of the State Controller for changes to this rate at 626-8420 or visit <https://www.maine.gov/osc/travel/mileage-other-info>.

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,620**. 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.

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 **\$1,125**.

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

Appendix H

Effective: 10/01/25-9/30/26

- 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 \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

2025-2026 GA Housing Maximums

Recovery Residences

The following Recovery Residence maximums are in effect from 10/1/2025- 9/30/2026

Non-Metropolitan FMR Areas	25 Beds or less		26+ Beds	
Area	Weekly	Monthly	Weekly	Monthly
Aroostook County	\$147.00	\$633.00	\$102.90	\$443.10
Franklin County	\$158.25	\$681.75	\$110.78	\$477.23
Hancock County	\$195.00	\$838.50	\$136.50	\$586.95
Kennebec County	\$168.75	\$726.00	\$118.13	\$508.20
Knox County	\$168.00	\$723.00	\$117.60	\$506.10
Lincoln County	\$207.75	\$892.50	\$145.43	\$624.75
Oxford County	\$160.50	\$689.25	\$112.35	\$482.48
Piscataquis County	\$159.75	\$687.00	\$111.83	\$480.90
Somerset County	\$171.00	\$734.25	\$119.70	\$513.98
Waldo County	\$192.00	\$825.00	\$134.40	\$577.50
Washington County	\$148.50	\$639.00	\$103.95	\$447.30

Metropolitan FMR Areas	25 Beds or less		26+ Beds	
Area	Weekly	Monthly	Weekly	Monthly
Bangor HMFA	\$210.00	\$901.50	\$147.00	\$631.05
Cumberland Cty. HMFA	\$251.25	\$1,080.00	\$175.88	\$756.00
Lewiston/Auburn MSA	\$186.75	\$802.50	\$130.73	\$561.75
Penobscot Cty. HMFA	\$165.00	\$708.75	\$115.50	\$496.13
Portland HMFA	\$296.25	\$1,273.50	\$207.38	\$891.45
Sagadahoc Cty. HMFA	\$219.75	\$946.50	\$153.83	\$662.55
York Cty. HMFA	\$247.50	\$1,065.00	\$173.25	\$745.50
York/Kittery/S. Berwick HMFA	\$289.50	\$1,243.50	\$202.65	\$870.45

A. Recovery Residences are 75% of 1 BR heated rate.

B. Recovery Residences with 26 or more BR are 70% of the <26 RR rate(A).

Revised 08/22/2025

General Assistance Maximums Reference Sheet-Portland HMFA

SFY 2026: Oct 1, 2025-Sept 30, 2026

OVERALL MAXIMUMS (A)				
Persons in Household				
1	2	3	4	5
\$1,517	\$1,721	\$2,212	\$2,798	\$3,429
Household of 6 =				\$3,504
*Note: Add \$75 for each additional person.				

HOUSING MAXIMUMS (C)				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	\$319	\$1,373	\$348	\$1,496
1	\$358	\$1,539	\$395	\$1,698
2	\$461	\$1,981	\$508	\$2,185
3	\$586	\$2,520	\$644	\$2,767
4	\$720	\$3,094	\$789	\$3,393
Recovery Residence			\$296.25	\$1,273.50
26+ rooms			\$207.38	\$891.45

FOOD MAXIMUMS (B)			
Persons	Weekly	Monthly	
1	\$69.30	\$298.00	
2	\$126.98	\$546.00	
3	\$182.56	\$785.00	
4	\$231.16	\$994.00	
5	\$275.12	\$1,183.00	
6	\$330.47	\$1,421.00	
7	\$365.35	\$1,571.00	
8	\$416.05	\$1,789.00	
Note: For each additional person add \$218 per month.			

FUNERAL MAXIMUMS (H)	
Burial	\$1,620
Additional costs that may be allowed:	
* A cremation lot in the least expensive section of the cemetery.	
* Urn, not to exceed \$55.	
* Transportation costs at a reasonable rate per mile.	
Cremation	\$1,125
Additional costs that may be allowed:	
* Wholesale cost of cement liner, if required.	
* Opening and closing of gravesite.	
* A lot in the least expensive section of the cemetery unless they can provide a lot in a municipally owned cemetery.	

ELECTRIC (D)					
Without electric heat/hot water			WITH electric heat/hot water		
# in HH	Weekly	Monthly	# in HH	Weekly	Monthly
1	\$19.95	\$85.50	1	\$29.63	\$127.00
2	\$22.52	\$96.50	2	\$34.07	\$146.00
3	\$24.97	\$107.00	3	\$39.67	\$170.00
4	\$27.53	\$118.00	4	\$46.32	\$198.50
5	\$29.88	\$128.50	5	\$55.65	\$238.50
6	\$32.55	\$139.50	6	\$58.68	\$251.50
For each additional person, add \$10.50/mo			For each additional person, add \$14.50/mo		
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:			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:		
HEATING FUEL (E)			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.		
Month	Gallons				
January	225				
February	225				
March	125				
April	125				
May	50				
June - August	0				
September	50				
October	100				
November	200				
December	200				

PERSONAL CARE & HOUSEHOLD SUPPLIES (F)			SUPPLEMENTS FOR HOUSEHOLDS WITH CHILDREN UNDER 5 (F)		
# in HH	Weekly	Monthly	# of Children	Weekly	Monthly
1-2	\$10.50	\$45.00	1	\$12.80	\$55.00
3-4	\$11.60	\$50.00	2	\$17.40	\$75.00
5-6	\$12.80	\$55.00	3	\$23.30	\$100.00
7-8	\$14.00	\$60.00	4	\$27.90	\$120.00
For each additional person add \$1.25/wk or \$5 per month			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, up to the following amounts:		
Mileage Rate (G)		\$0.54 per mile			

GA Hotline: 1-800-442-6003, option 2 then 1

Revised 09/04/2025

GENERAL ASSISTANCE ORDINANCE



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

Prepared by Maine Municipal Association

September ~~2024~~2025

Table of Contents

ARTICLE I – Statement of Policy	1
ARTICLE II – Definitions.....	3
Section 2.1—Common Meaning of Words	3
Section 2.2—Special Definitions	3
Administrator.	3
Applicant.	3
Application Form.	3
Basic Necessities.....	3
Case Record.....	4
Categorical Assistance.....	4
Claimant.	4
Deficit.	4
Disabled Person.....	4
Dwelling Unit.....	4
Earned Income.	5
Eligible Person.	5
Emergency.....	5
General Assistance (“GA”) Program.	5
General Assistance (“GA”) Benefits.....	5
General Assistance (“GA”) Administrator.....	6
Homelessness.....	6
Household.	6
Income.....	6
Initial Applicant.	8
Just Cause.	8
Landlord.	8
Lump Sum Payment.....	8
Material Fact.	8
Maximum Levels of Assistance.....	9
Misconduct.....	9
Misspent Income.....	9

Municipality.....	9
Municipality of Responsibility.	9
Need.	9
Net General Assistance Costs.	9
Operator.....	10
Period of Eligibility.....	10
Pooling of Income.....	10
Potential Resources.....	10
Pursuing a Lawful Process to Apply for Immigration Relief.....	10
Real Estate.....	10
Recipient.....	11
Recovery Residence.....	11
Registered Domestic Partner.	11
Rehabilitation Facility.....	11
Repeat Applicants.....	11
Resident.....	11
Resources.	11
30-Day Need.....	12
Unearned Income.....	12
Unforeseen Repeat Applicants.	13
Unmet Need.	13
Work Requirements.	13
ARTICLE III – Administrative Rules and Regulations.....	15
Section 3.1—Confidentiality of Information.....	15
Release of Information.....	15
Information from Other Sources; Penalty.	15
Misuse of Information.....	16
Section 3.2—Maintenance of Records	16
Case Records.	16
Retention of Records.....	17
ARTICLE IV – Application Procedure	18
Section 4.1—Right to Apply.....	18
Who May Apply.....	18

Telephone Applications.....	18
Written Application Upon Each Request.....	18
Applications Available/Accepted; Posted Notice.....	18
Section 4.2—Application Interview	19
Section 4.3—Contents of the Application	19
Section 4.4— GA Administrator’s Responsibilities at the Time of Application.....	20
Application Requirements.....	20
Eligibility Requirements.....	20
Applicant Rights.....	20
Reimbursement/Recovery.....	21
Section 4.5—Responsibilities of the Applicant at Time of Application.....	21
Section 4.6—Action on Applications	22
Written Decision.....	22
Content of Decision.....	22
Section 4.7—Withdrawal of an Application.....	23
Section 4.8—Temporary Refusal to Accept Application.....	23
Section 4.9—Emergencies	23
Disqualification for Emergency Assistance.....	24
Assistance Prior to Verification.....	24
Telephone Applications.....	25
Limitation on Emergency Assistance.....	25
Section 4.10—Residence	27
Moving/Relocating.....	27
Institutions.....	27
Temporary Housing.....	27
Disputes.....	28
ARTICLE V – Eligibility Factors	29
Section 5.1—Initial Application	29
Initial Application.....	29
Repeat Applicants.....	29
Section 5.1A – Presumptive Eligibility.....	29
Section 5.1B – Recovery Residences.....	30
Section 5.2—Eligibility for Categorical Assistance	30
Section 5.3—Personal Property.....	31

a) Liquid Assets.	31
b) Tangible Assets.	31
c) Automobile Ownership.	31
d) Insurance.	32
e) Transfer of Property.	32
Section 5.4—Ownership of Real Estate	33
a) Principal Residence.	33
b) Other Property.	34
Section 5.5—Work Requirement.....	34
Employment; Rehabilitation.....	34
Verification.	35
Ineligibility.	35
Ineligibility Due to Job Quit or Discharge for Misconduct.....	36
Just Cause.	36
Applicant’s Burden of Establishing Just Cause.	36
Eligibility Regained.	36
Dependents.	37
Exemptions.	37
Section 5.6—Municipal Work Program	38
Consent.	38
Subtracting Value of Workfare Performed from Client’s GA Debt.....	38
Limitations.	38
“Workfare First” Policy.....	40
Work-Related Expenses.....	42
Disqualification.....	42
Eligibility Regained.	42
Reports.	43
Section 5.7—Use of Resources	43
Minors.	44
Mental or Physical Disability.	45
Written Notice; Disqualification.....	45
Forfeiture of Benefits.	45
Section 5.8—Period of Ineligibility	45

Work Requirement.....	46
Fraud.	46
Section 5.9 – Unemployment Fraud	46
ARTICLE VI – Determination of Eligibility.....	47
Section 6.1—Recognition of Dignity and Rights	47
Section 6.2—Determination; Redetermination.....	47
Section 6.3—Verification	47
Eligibility of Applicant; Duration of Eligibility.	47
Applicant's Responsibilities.	47
Initial Applicants.....	48
Repeat Applicants.....	48
Unforeseen Repeat Applicants.....	49
Administrator's Responsibilities	49
Redetermination of Eligibility.....	50
Penalty for Refusing to Release Information.....	50
Section 6.4—Fraud	50
Period of Ineligibility.	51
Right to a Fair Hearing.....	51
Reimbursement.....	52
Dependents.	52
Section 6.5—Period of Eligibility.....	52
Section 6.6—Determination of Need	53
Income for Basic Necessities.	53
Use-of-Income Requirements.	54
Calculation of Income and Expenses.....	55
Consolidation of Deficit.....	56
Section 6.7—Income.....	56
Income Standards.....	56
Calculation of Income.....	56
Types of Income.	57
a) Earned Income.....	57
b) Income from Other Assistance or Social Services Programs.....	57
c) Court-Ordered Support Payments.....	58

d) Income from Other Sources.....	58
e) Earnings of a Son or Daughter.	59
f) Income from Household Members.....	59
g) The Pooling or Non-Pooling of Income.	59
h) Lump Sum Income.	59
Section 6.8—Basic Necessities; Maximum Levels of Assistance.....	61
Overall Maximum Levels of Assistance.	61
Maximum Levels of Assistance for Specific Basic Necessities.	61
(A) Food.....	62
(B) Housing.....	63
Temporary Lodging.....	63
Large Recovery Residences.....	63
Rental Payments to Relatives.	63
Rental Payments to Non-Relatives.	63
Mortgage Payments.	64
Liens.....	66
Property Taxes.....	66
Housing Maximums.	67
(C) Utilities.....	68
Electricity Maximums for Households Without Electric Hot Water.	68
Electricity Maximums for Households that Use Electrically Heated Hot Water.	68
Non-Electric Utilities.	69
(D) Fuel.	69
(E) Personal Care and Household Supplies.	69
(F) Other Basic Necessities.....	69
1) Clothing.....	70
2) Medical.	70
3) Hospital Bills.....	71
4) Dental.....	71
5) Eye Care.	72
6) Telephone Charge.....	72
7) Work-Related Expenses.	72
8) Travel Expenses.....	72
9) Burials, Cremations.	72
10) Capital Improvements.....	73

Section 6.9—Burials; Cremations	73
Funeral Director Must Give Timely Notice.	73
Application for Assistance Shall be Calculated on Behalf of the Deceased.....	74
The Financial Responsibility of Certain Family Members.....	74
Consideration of the Financial Responsibility of Family Members.	75
Proration of Familial Responsibility.....	75
Eight Days to Determine Eligibility.	76
The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute.....	76
Burial Expenses.....	76
Cremation Expenses.....	76
Section 6.10—Notice of Decision	77
Written Decision.....	77
Contents of Decision.	77
Disbursement of GA.	77
ARTICLE VII – The Fair Hearing	79
Section 7.1—Right to a Fair Hearing.....	79
Section 7.2—Method of Obtaining a Fair Hearing.....	79
Written Request.	79
Scheduling the Fair Hearing.....	79
Section 7.3—The Fair Hearing Authority	80
Section 7.4—Fair Hearing Procedure.....	81
Claimant’s Failure to Appear.	82
Section 7.5—The Fair Hearing Decision.....	82
ARTICLE VIII – Recovery of Expenses	85
Recipients.....	85
Recipients Anticipating Workers’ Compensation Benefits.....	85
Recipients of SSI.	85
Relatives.	86
ARTICLE IX – Severability	86
APPENDICES	87
APPENDIX A - 2025-2026 GA Overall Maximums.....	89
APPENDIX B - 2025-2026 Food Maximums	91
APPENDIX C - 2025-2026 GA Housing Maximums	93

APPENDIX D - 2025-2026 Electric Utility Maximums	99
APPENDIX E - 2025-2026 Heating Fuel Maximums	101
APPENDIX F - 2025-2026 Personal Care & Household Supplies Maximums	103
APPENDIX G - Mileage Rate	105
APPENDIX H - Funeral Maximums / Burial Maximums and Cremation Maximums	107
APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23))	109
ARTICLE I – Statement of Policy	1
ARTICLE II – Definitions	3
Section 2.1—Common Meaning of Words	3
Section 2.2—Special Definitions	3
Administrator.	3
Applicant.	3
Application Form.	3
Basic Necessities.	3
Case Record.	4
Categorical Assistance.	4
Claimant.	4
Deficit.	4
Disabled Person.	4
Dwelling Unit.	4
Earned Income.	5
Eligible Person.	5
Emergency.	5
General Assistance (“GA”) Program.	5
General Assistance (“GA”) Benefits.	5
General Assistance (“GA”) Administrator.	6
Homelessness.	6
Household.	6
Income.	6
Initial Applicant.	8
Just Cause.	8
Landlord.	8
Lump Sum Payment.	8

Material Fact.....	8
Maximum Levels of Assistance.....	9
Misconduct.....	9
Misspent Income.....	9
Municipality.....	9
Municipality of Responsibility.....	9
Need.....	9
Net General Assistance Costs.....	9
Operator.....	10
Period of Eligibility.....	10
Pooling of Income.....	10
Potential Resources.....	10
Pursuing a Lawful Process to Apply for Immigration Relief.....	10
Real Estate.....	10
Recipient.....	11
Recovery Residence.....	11
Registered Domestic Partner.....	11
Rehabilitation Facility.....	11
Repeat Applicants.....	11
Resident.....	11
Resources.....	11
30-Day Need.....	12
Unearned Income.....	12
Unforeseen Repeat Applicants.....	13
Unmet Need.....	13
Work Requirements.....	13
ARTICLE III—Administrative Rules and Regulations.....	15
Section 3.1—Confidentiality of Information.....	15
Release of Information.....	15
Information from Other Sources; Penalty.....	15
Misuse of Information.....	16
Section 3.2—Maintenance of Records.....	16
Case Records.....	16

Retention of Records.....	17
ARTICLE IV—Application Procedure	18
Section 4.1—Right to Apply.....	18
Who May Apply.....	18
Telephone Applications.....	18
Written Application Upon Each Request.....	18
Applications Accepted; Posted Notice.....	18
Section 4.2—Application Interview	19
Section 4.3—Contents of the Application	19
Section 4.4—GA Administrator’s Responsibilities at the Time of Application.....	20
Application Requirements.....	20
Eligibility Requirements.....	20
Applicant Rights.....	20
Reimbursement/Recovery.....	21
Section 4.5—Responsibilities of the Applicant at Time of Application.....	21
Section 4.6—Action on Applications	22
Written Decision.....	22
Content of Decision.....	22
Section 4.7—Withdrawal of an Application.....	23
Section 4.8—Temporary Refusal to Accept Application	23
Section 4.9—Emergencies	23
Disqualification for Emergency Assistance.....	24
Assistance Prior to Verification.....	24
Telephone Applications.....	25
Limitation on Emergency Assistance.....	25
Section 4.10—Residence	27
Moving/Relocating.....	27
Institutions.....	27
Temporary Housing.....	27
Disputes.....	28
ARTICLE V—Eligibility Factors	29
Section 5.1—Initial Application	29
Initial Application.....	29

Repeat Applicants.....	29
Section 5.1A—Presumptive Eligibility.....	29
Section 5.1B—Recovery Residences.....	30
Section 5.2—Eligibility for Categorical Assistance.....	30
Section 5.3—Personal Property.....	31
a)—Liquid Assets.....	31
b)—Tangible Assets.....	31
c)—Automobile Ownership.....	31
d)—Insurance.....	32
e)—Transfer of Property.....	32
Section 5.4—Ownership of Real Estate.....	33
a)—Principal Residence.....	33
b)—Other Property.....	34
Section 5.5—Work Requirement.....	34
Employment; Rehabilitation.....	34
Verification.....	35
Ineligibility.....	35
Ineligibility Due to Job Quit or Discharge for Misconduct.....	36
Just Cause.....	36
Applicant’s Burden of Establishing Just Cause.....	36
Eligibility Regained.....	36
Dependents.....	37
Exemptions.....	37
Section 5.6—Municipal Work Program.....	38
Consent.....	38
Subtracting Value of Workfare Performed from Client’s GA Debt.....	38
Limitations.....	38
“Workfare First” Policy.....	40
Work-Related Expenses.....	42
Disqualification.....	42
Eligibility Regained.....	42
Reports.....	43
Section 5.7—Use of Resources.....	43
Minors.....	44

Mental or Physical Disability.....	45
Written Notice; Disqualification.....	45
Forfeiture of Benefits.....	45
Section 5.8—Period of Ineligibility.....	45
Work Requirement.....	46
Fraud.....	46
Section 5.9—Unemployment Fraud.....	46
ARTICLE VI—Determination of Eligibility.....	47
Section 6.1—Recognition of Dignity and Rights.....	47
Section 6.2—Determination; Redetermination.....	47
Section 6.3—Verification.....	47
Eligibility of Applicant; Duration of Eligibility.....	47
Applicant's Responsibilities.....	47
Initial Applicants.....	48
Repeat Applicants.....	48
Unforeseen Repeat Applicants.....	49
Administrator's Responsibilities.....	49
Redetermination of Eligibility.....	50
Penalty for Refusing to Release Information.....	50
Section 6.4—Fraud.....	50
Period of Ineligibility.....	51
Right to a Fair Hearing.....	51
Reimbursement.....	52
Dependents.....	52
Section 6.5—Period of Eligibility.....	52
Section 6.6—Determination of Need.....	53
Income for Basic Necessities.....	53
Use of Income Requirements.....	54
Calculation of Income and Expenses.....	55
Consolidation of Deficit.....	56
Section 6.7—Income.....	56
Income Standards.....	56
Calculation of Income.....	56

Types of Income.....	57
a) — Earned Income.....	57
b) — Income from Other Assistance or Social Services Programs.....	57
c) — Court-Ordered Support Payments.....	58
d) — Income from Other Sources.....	58
e) — Earnings of a Son or Daughter.....	59
f) — Income from Household Members.....	59
g) — The Pooling or Non-Pooling of Income.....	59
h) — Lump Sum Income.....	59
Section 6.8—Basic Necessities; Maximum Levels of Assistance.....	61
Overall Maximum Levels of Assistance.....	61
Maximum Levels of Assistance for Specific Basic Necessities.....	61
(A) — Food.....	62
(B) — Housing.....	63
Rental Payments to Relatives.....	63
Rental Payments to Non-Relatives.....	63
Mortgage Payments.....	64
Liens.....	65
Property Taxes.....	66
Housing Maximums.....	67
(C) — Utilities.....	67
Electricity Maximums for Households Without Electric Hot Water.....	68
Electricity Maximums for Households that Use Electrically Heated Hot Water.....	68
Non-Electric Utilities.....	68
(D) — Fuel.....	68
(E) — Personal Care and Household Supplies.....	69
(F) — Other Basic Necessities.....	69
1) — Clothing.....	69
2) — Medical.....	69
3) — Hospital Bills.....	70
4) — Dental.....	71
5) — Eye Care.....	71
6) — Telephone Charge.....	71
7) — Work-Related Expenses.....	72
8) — Travel Expenses.....	72

9)—Burials, Cremations.....	72
10)—Capital Improvements.....	72
Section 6.9—Burials; Cremations	73
Funeral Director Must Give Timely Notice.....	73
Application for Assistance Shall be Calculated on Behalf of the Deceased.....	73
The Financial Responsibility of Certain Family Members.....	74
Consideration of the Financial Responsibility of Family Members.....	74
Proration of Familial Responsibility.....	75
Eight Days to Determine Eligibility.....	75
The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute.....	75
Burial Expenses.....	76
Cremation Expenses.....	76
Section 6.10—Notice of Decision	76
Written Decision.....	76
Contents of Decision.....	76
Disbursement of General Assistance.....	77
ARTICLE VII—The Fair Hearing.....	79
Section 7.1—Right to a Fair Hearing.....	79
Section 7.2—Method of Obtaining a Fair Hearing.....	79
Written Request.....	79
Scheduling the Fair Hearing.....	79
Section 7.3—The Fair Hearing Authority.....	80
Section 7.4—Fair Hearing Procedure.....	81
Claimant’s Failure to Appear.....	82
Section 7.5—The Fair Hearing Decision.....	82
ARTICLE VIII—Recovery of Expenses	85
Recipients.....	85
Recipients Anticipating Workers’ Compensation Benefits.....	85
Recipients of SSI.....	85
Relatives.....	86
ARTICLE IX—Severability	86
APPENDICES.....	87
APPENDIX A—2024-2025 GA Overall Maximums.....	89

APPENDIX B—2024-2025 Food Maximums.....	91
APPENDIX C—2024-2025 GA Housing Maximums.....	93
APPENDIX D—2024-2025 Electric Utility Maximums.....	99
APPENDIX E—2024-2025 Heating Fuel Maximums.....	101
APPENDIX F—2024-2025 Personal Care & Household Supplies Maximums.....	103
APPENDIX G—Mileage Rate.....	105
APPENDIX H—Funeral Maximums / Burial Maximums and Cremation Maximums.....	107
APPENDIX I—Definition of Misconduct (26 M.R.S. § 1043 (23)).....	109

ARTICLE I – Statement of Policy

The Municipality of _____ administers a general assistance (~~“GA”~~) program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. § § 4301-4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will 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 GA program are encouraged to contact the municipality to make an accommodation request.

The 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 with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the 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 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 issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see Ordinance § 5.6*).

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

The Administrator will post notice stating the regular business hours when an application may be obtained, the designated business hours when an application may be accepted and processed, and the Administrator, or other designated person/entity that will be available to take applications in an emergency at all other times. ~~that any person may apply for general assistance during the municipality's regular business hours. The 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~~GA law will be 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~~GA program, the delivery of trauma-informed services and culturally linguistically appropriate services as defined above, and the laws governing the ~~general assistance~~GA 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 an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. 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 Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

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
- Cable or satellite dish television
- Mail orders
- 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 when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 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 and types and amounts of assistance provided; records concerning an applicant's request for fair hearing; and 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 (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided 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. § 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 GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. 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. § § 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 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 lessen the municipality’s responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 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. They may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 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. § 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 performed;
- Cash received on either secured or unsecured credit;

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

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

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- 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 childcare expenses; or
- 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. § 4301(7)).

- Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. These programs include:

- Supplemental Nutrition Assistance Program (SNAP) (7 U.S.C. § 2017(b))
- Li-Heap (42 U.S.C. § 8624)
- Family Development Accounts (22 M.R.S. § 3762)
- AmeriCorp VISTA program benefits (42 U.S.C. § 5044 (f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S. § 4301(7))
- ASPIRE Support Service Payments (10-144 CMR Chapter 323)

Initial Applicant. A person who has not previously applied for GA assistance in this or any other municipality.

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. § § 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 required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a 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. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA 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.

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

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A), misconduct shall have the same meaning as “misconduct” in 26 M.R.S. § 1043(23). (*See Ordinance Appendix I*). Generally, misconduct occurs when an employee violates 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 GA 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. § § 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. § § 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 GA program. (22 M.R.S. § § 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~~GA 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. § 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. This ordinance 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 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. § 4301(13)).

Recipient. A person who has applied for and is currently receiving 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 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 they are eligible, until they establish a new residence in another municipality. (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for 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, state or federal assistance programs, employment benefits, governmental or private pension 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. § 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 Administrator, a 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 Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; 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. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who 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 (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), 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 obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for 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

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 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 unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of their records to the specified parties. Whenever the Administrator releases any information, they will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

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

Any representative of a financial institution or any employer of a 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 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 commits a Class E crime. (22 M.R.S. § § 4314, 4315).

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

Section 3.2—Maintenance of Records

The Administrator will maintain complete and accurate program records. (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator’s decisions.

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

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever 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 assistance~~GA, the results of home visits, collateral information, referrals, changes in status;
- 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

ARTICLE III – Administrative Rules and Regulations

- vendor forms

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

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

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

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and they cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with their permission. (22 M.R.S. § 4304).

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

Applications Available/Accepted; Posted Notice. Any person may apply-obtain an application for general-assistanceGA during the municipality's regular business hours. Applications will be accepted and processed during designated daily hours that will not total less than 50% of the municipality's regular business hours. -In an emergency, however, the Administrator or their designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the ~~times and location where regular business hours when an application may be obtained, people may the designated daily hours during which~~ applications for assistance ~~will be accepted and processed~~; and contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. 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

An application must contain the following information:

- a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
- b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant 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 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.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant

makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4— GA Administrator's Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, 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 reduction in assistance that 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 will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;

- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;
- confidentiality of the application and other records;
- contact the DHHS with complaints;
- challenge the Administrator’s decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that they must reimburse the municipality the amount of GA benefits they have been granted if they subsequently have the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient’s legal representative of the recipient’s obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant’s support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, “Recovery of Expenses”*). (22 M.R.S. § § 4318, 4319). Whenever applicable, the Administrator will explain the 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” lien, described in Article VIII, “Recovery of Expenses.”

Section 4.5—Responsibilities of the Applicant at Time of Application

The applicant 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
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 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, 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, in order to diminish the applicant's need for ~~general assistance.~~GA. (22 M.R.S. § § 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning 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 Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. § § 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:

- a) the type and amount of 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 they believe the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances 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; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when their conduct is under control.
- b) If the Administrator believes that an applicant’s behavior presents a threat to the health or safety of the public or to a municipal employee, if 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, the applicant may be required to designate a third party to apply for assistance on 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 they have been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 4.9—Emergencies

An “emergency” 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. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits,

unless they are disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 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 applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance § § 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance. (22 M.R.S. § 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. § 4309(3)).

If 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 by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that they need assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant the 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 their need. The Administrator may contact at least one other person to confirm the applicant’s statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant’s eligibility is confirmed. (22 M.R.S. § 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 shall accept an application over the telephone. (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting their home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If 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, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. § § 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the 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 shall seek from the applicant all information pertinent to the applicant's ability to provide for their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent 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 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~~GA actually received during the applicable time period.
- e) The 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 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~~GA.
- 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~~GA 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 shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, 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 will determine their eligibility and, if eligible, will grant assistance until they establish a residence in another municipality. (22 M.R.S. § 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 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 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, they will be the responsibility of this municipality for up to 12 months after they enter the institution if the conditions of 22 M.R.S. § 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 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. § 4307(4)).

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

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to ~~6~~12 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. § § 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

A person will be eligible for GA if 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, need will be the sole condition of eligibility, except that all applicants, including initial applicants, 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. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 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 Ordinance § 6.8 or the applicant’s 30-day need, whichever is less, and they do not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The 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 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, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the 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 their fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Ordinance § 6.7, subsection (c) under “Types of Income”. For several additional exceptions please refer to the definition of “Income” in this 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 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. § 4317).

Section 5.3—Personal Property

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 GA unless and until they use these assets to meet their basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary 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) Tangible Assets.

No person owning or possessing personal property, 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 GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in 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) 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 determines reasonable

for the maintenance of the applicant's household. GA recipients who own an automobile with a market value greater than \$8,000 may be required, with 7-day's written notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than \$8,000. Any income received by the applicant by virtue of such a trade down must be used for their basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S. § 4317).

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

d) Insurance.

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

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 GA will not be granted 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 be issued. There will be a presumption that the applicant transferred their assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) Principal Residence.

Solely for purposes of 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 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, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
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. 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. The land is not utilized for the maintenance and/or support of the household; and
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. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the 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; therefore, the entire 100 acres 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) 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. 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. 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 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 sale of the property or upon the death of the recipient (*see also Ordinance § 6.8*). 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All 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 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 employment workshops and rehabilitative services, except as provided below (*see “Exemptions”*). Applicants must demonstrate to the 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 must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation 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” 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 will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill their work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours 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.

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) refuse to register for employment with the Maine Job Service;
- 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 work search and will be disqualified;
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or

- f) refuse to participate or participate in a substandard manner in the municipal work program (*see Ordinance § 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit their full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see definition in Appendix I*) will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. § § 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 them from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- 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 childcare or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor ([DOL](#)), or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the 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. § 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 that they are complying with the work requirement by fulfilling the work requirement(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. § 1043 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 Ordinance § 5.6, under “Eligibility 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:

- 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. § 4309(3)).

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 by dividing the maximum level of assistance available to the entire household by the total number of household 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)~~DOL or determined by the 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 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. § 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 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 GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants 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 M.R.S. § 4318, individuals 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.

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

ARTICLE IV – Application Procedure

- 1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided with net 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 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 DOL.
- 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 their 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 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. § 4309).

If the 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 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 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. § 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 GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that they are willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

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

- 1) In no circumstance will emergency 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 within 24 hours after submitting an application for GA and prior

to performing any workfare for the municipality associated with that request for assistance.

That written decision must include:

- a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the 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 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 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 must sign a consent form that informs the participant of 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 shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.

- 5) If any part of the workfare assignment 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 Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform 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. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that 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 there was just cause for any failure to perform a workfare assignment.

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 Ordinance § 5.5, "Dependents"*).
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which they, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the

recipient to avert the emergency. However, the provision of emergency assistance will not bar the 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 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 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. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The 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. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce their need for GA (*see Ordinance § 2.2, definition of “Resources”*). 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. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of 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 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 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 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. § 4309(4)).

Any person under the age of 25 who is applying independently from their parents for GA will be informed that until they reach the age of 25, the applicant's parents are still legally liable for 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 their parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting their parents. If the applicant's parents declare a willingness to provide the applicant with their basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on their parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that 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 Administrator 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 they have made a good faith effort to utilize or obtain the resources. 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.

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 GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value 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 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 GA 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. § 4317).

Section 5.8—Period of Ineligibility

No one will have their GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. § § 4321-4322). Each person will be notified in writing of the reasons for 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 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 end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days (*see Ordinance § 6.4, “Fraud”*). The Administrator shall give recipients written notice that they are ineligible as soon as the 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~~DOL pursuant to 26 M.R.S. § 1051(1) is ineligible to receive ~~general assistance~~GA to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the ~~Department of Labor~~DOL. 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 their individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The 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 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 may redetermine a person's eligibility at any time during the period they are receiving assistance if the 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 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. § 4309).

Section 6.3—Verification

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for 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. Applicants and recipients for GA are responsible for providing to the 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 Administrator. When such information is unavailable, the 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, current information and documentation concerning his/her:

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

Initial Applicants. Persons who 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 must still provide the GA Administrator with reasonably obtainable documentation adequate to 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., quit job).

Repeat Applicants. All applicants for 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 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 Administrator.

Repeat applicants 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 finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's Responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant – except that the Administrator may examine public records without the applicant's knowledge and consent.

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

- DHHS, 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 necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of Eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the 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 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. § 4314 who refuses to provide necessary information to the 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 is guilty of a Class E crime. (22 M.R.S. § § 4314(5), 4314(6), 4315).

Section 6.4—Fraud

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

False representation means any individual who knowingly and willfully:

ARTICLE VI – Determination of Eligibility

- a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) uses GA benefits for a purpose other than 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 Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making themselves eligible for GA, the Administrator shall notify that applicant in writing that 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 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 shall inform the applicant of their right to appeal the 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. No recipient shall have 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. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which 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. § 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 by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The 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. § 4309). Upon receiving a completed and signed application the 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, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that they have a right to reapply as soon as 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 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 elects to disburse 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. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in 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. § 4308(2)) (*see Ordinance § 4.9*).

Applicants will also not be considered in need of 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 Ordinance § 6.8. (22 M.R.S. §§ 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. (*See Ordinance Appendices 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. § 4305(3-A)).

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. § 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 may require that anyone applying for GA provide documentation of 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 Administrator for “unforeseen” repeat applicants (*See Ordinance § 6.3*); 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 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.

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 their income for basic necessities or fails to reasonably document their of income. (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The Administrator may require the applicant to use some or all of their income, at the time it becomes available, toward specific basic necessities. The 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 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~~GA to replace that income; and
- 4) If the applicant does not spend 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 will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of 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 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 Ordinance § 6.8 for specific basic necessities except in an emergency or when the

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 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 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 misspending 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 Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the 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 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 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. § 4308) (*see Ordinance § 4.9*). To calculate weekly income and expenses, the 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 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 childcare costs will be deducted from an applicant's income. (22 M.R.S. § 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 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 GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for 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.

The 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 their total fuel costs. Accordingly, in such cases, the Administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the 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 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 U.S.C. § 5044(f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))

c) Court-Ordered Support Payments. Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement 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. § 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 GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household's expenses, bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for 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 their income and 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 GA will be considered as income available to the household. However, verified required

ARTICLE VI – Determination of Eligibility

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 GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 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 GA program such as: reasonable payment of 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. § 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 GA; and
- 5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the 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 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, an applicant's eligibility for GA will be first determined by subtracting their income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for 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 GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

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, 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 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.

~~**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.

ARTICLE VI – Determination of Eligibility

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 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 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 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) **Food.** The 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 DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

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

The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The 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) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year’s housing maximums. It is the applicant’s responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in 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.

Temporary Lodging. 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 as defined in 22 M.R.S. § 2491(7-F).

Large Recovery Residences. The maximum amount of housing assistance provided to or on behalf of a person residing in a recovery residence, as described in 22 M.R.S. § 4309(6), with occupancy of 26 or more beds, is equal to 70% of the maximum levels of housing assistance available for a person residing in a recovery residence with occupancy of 25 or fewer beds. (22 M.R.S. § 4305(3-E)).

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. § 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. § 4301(6)).

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.

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 § 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 DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of their tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the 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;
- (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 they were to be dislocated to rental housing;

ARTICLE VI – Determination of Eligibility

- (6) the imminence of the applicant's dislocation from owned housing because of 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.

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 shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the 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 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.

If a mortgage payment is necessary, the 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 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 will inform the applicant that they are responsible for finding alternative housing within 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. § 4320). No lien may be enforced against a recipient except upon 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 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 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.

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 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 their property taxes, the 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. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using 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
- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax 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 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 for the current year's housing maximums.

If and when the maximum levels of housing assistance in this 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 pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

Note. The maximum amount of housing assistance provided to or on behalf of a person residing in a recovery residence, as described in 22 M.R.S. § 4309(6), with occupancy of 26 or more beds, is equal to 70% of the maximum levels of housing assistance available for a person residing in a recovery residence with occupancy of 25 or fewer beds. (22 M.R.S. § 4305(3-E)).

- (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.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The 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 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. § 4308(2)) (*see Ordinance § § 4.9; 6.3*). The Administrator will notify applicants in writing that they must give the 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 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 for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D 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.

- (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 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 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 timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

- (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. 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 for the current year's personal care and household supplies maximums.

- (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 and safety by the 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~~GA 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 their need to seek ~~general assistance~~GA 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 may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the 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 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, the municipality will have no obligation to pay the bill.

Any person who cannot pay 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. § 1716. Anyone who is not eligible for the hospital's free care program may apply for 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 are not eligible for the hospital's free care program.

Before the 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 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 Ordinance § 6.6.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the 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 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 GA for eyeglasses, an applicant must have their medical need certified by a person licensed to practice optometry. The 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, minimum/basic telephone services may be allowed for households with children, for households where job search or work-related reasons exist and/or for any other reasons the 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 Ordinance Appendix G for 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 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 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 when the capital improvement/repair has been pre-approved by the 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 may grant 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. § 4320 when 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 prior to the burial or cremation or by the end of three business days following the funeral director’ receipt of the body, whichever is earlier. (22 M.R.S. § 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 Administrator. In addition, the funeral director may refer legally liable relatives to the 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 GA for burial or cremation purposes, an application for assistance shall be completed by the 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 Ordinance § 4.10.

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 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 GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all 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, children and grandchildren of the deceased whether or not living in 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 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, all legally liable relatives must provide the 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 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 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 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 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 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 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.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of 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 shall not use this 8-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.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Appendix H for the maximum levels of burial assistance.

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

Section 6.10—Notice of Decision

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

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

The Administrator must explain the 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 items listed in Ordinance § 4.6, the notice of decision will include a statement that:

- a) the applicant has the right to a fair hearing and how to request a fair hearing, and;
- b) the applicant has the right to contact the DHHS if they believe the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

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

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of 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 their authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the 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 Administrator, all claimants will be informed of 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 Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or their authorized representative, must make a written request within 5 working days of receipt of the 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 will make a form available 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) the claimant is dissatisfied and why the claimant believes they are eligible to receive assistance; and
- c) the relief sought by the claimant.

The 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 FHA must meet and hold the hearing within 5 working days. The Administrator will notify

the claimant in writing when and where the hearing will be held. (22 M.R.S. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant's rights to:

- a) be their own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
- b) confront and cross-examine any witnesses presented at the hearing; and
- c) present witnesses on 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 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 ensuring that GA is administered in accordance with state law and this ordinance.

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

- a) 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 operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, they will also be given adequate information about the hearing procedure to allow them to effectively prepare their case. The claimant shall be permitted to review their file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

- a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
- b) be opened with a presentation of the issue by the 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 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 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 FHA must be made available to the claimant or their representative. The claimant will be responsible for preparing a written transcript if they wish to pursue court action.

The 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. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear.

"Just cause" for a claimant's failure to appear at a fair hearing, 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 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 his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If 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 will be binding on the 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:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or GA ordinance related to the decision; and

d) the FHA’s decision and the reasons for it.

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, they may appeal pursuant to Maine 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 FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – 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 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.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient. However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA. (22 M.R.S. § 4318).

Recipients Anticipating Workers’ Compensation Benefits. The municipality shall claim a lien on any lump sum payment 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. § 4318, 39-A M.R.S. § 106). After issuing any 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 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 who has applied for or is receiving Workers’ Compensation. Any 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 GA until 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 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 GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may

ARTICLE VIII – Recovery of Expenses

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 GA granted. Any 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. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until they provide the required signature. (22 M.R.S. § 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. § 4319). In addition, the grandchildren, children, parents, 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 behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

ARTICLE IX – Severability

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

APPENDICES

APPENDIX A – 2024 <u>2025</u> - 2025 <u>2026</u> GA Overall Maximums	89
APPENDIX B – 2024 <u>2025</u> - 2025 <u>2026</u> Food Maximums.....	91
APPENDIX C – 2024 <u>2025</u> - 2025 <u>2026</u> GA Housing Maximums.....	93
APPENDIX D – 2024 <u>2025</u> - 2025 <u>2026</u> Electric Utility Maximums.....	99
APPENDIX E – 2024 <u>2025</u> - 2025 <u>2026</u> Heating Fuel Maximums	101
APPENDIX F – 2024 <u>2025</u> - 2025 <u>2026</u> Personal Care & Household Supplies Maximums.....	103
APPENDIX G – Mileage Rate.....	105
APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums.....	107
APPENDIX I – 26 M.R.S. § 1043 (23)	109

APPENDIX A – 2024-2025 GA Overall Maximums 2025-2026 GA

Overall Maximums

Effective: 10/1/24—9/30/25

Metropolitan Areas

Persons in Household

COUNTY	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	<u>1,137</u> <u>96</u> 9	<u>1,068</u> <u>22</u> 5	<u>1,367</u> <u>56</u> 6	<u>1,744</u> <u>2,0</u> 08	<u>2,333</u> <u>40</u> 1
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	<u>1,139</u> <u>31</u> 7	<u>1,280</u> <u>46</u> 3	<u>1,689</u> <u>92</u> 0	<u>2,131</u> <u>41</u> 0	<u>2,476</u> <u>93</u> 4
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	<u>881</u> <u>988</u>	<u>965</u> <u>1,09</u> 3	<u>1,232</u> <u>39</u> 5	<u>1,829</u> <u>60</u> 8	<u>2,030</u> <u>1,9</u> 47
Penobscot County HMFA: 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>923</u> <u>874</u>	<u>968</u> <u>884</u>	<u>1,271</u> <u>16</u> 9	<u>1,601</u> <u>46</u> 4	<u>1,895</u> <u>60</u> 3
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	<u>1,517</u> <u>45</u> 1	<u>1,721</u> <u>66</u> 3	<u>2,212</u> <u>44</u> 1	<u>2,798</u> <u>71</u> 5	<u>3,429</u> <u>33</u> 2
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	<u>1,141</u> <u>96</u> 9	<u>1,285</u> <u>15</u> 9	<u>1,579</u> <u>41</u> 3	<u>1,939</u> <u>2,2</u> 12	<u>2,651</u> <u>33</u> 5

Appendix A
Effective: 10/01/25-09/30/26

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1, 192 27 8	1, 443 26 4	1, 778 56 7	2, 347 03 9	2, 586 29 7
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1, 487 37 4	1, 681 44 4	2, 1681 ,9 05	2, 807 58 9	3, 641 30 5

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

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	766 803	842 871	1, 043 085	1, 421 486	1, 524 569
Franklin County	807 842	893 936	1, 174 228	1, 558 621	1, 764 816
Hancock County	1, 096 139	1, 140 102	1, 307 349	1, 734 787	1, 740 791
Kennebec County	943 985	946 991	1, 214 276	1, 529 599	1, 784 913
Knox County	935 972	946 987	1, 163 200	1, 550 597	1, 657 780
Lincoln County	1, 037 190	1, 076 213	1, 332 375	1, 733 807	2, 154 217
Oxford County	902 937	910 942	1, 185 223	1, 575 623	1,869 2,024
Piscataquis County	777 848	860 943	1, 131 236	1, 398 489	1, 689 738
Somerset County	897 932	931 1,002	1, 140 177	1, 487 532	1, 612 661
Waldo County	1, 075 117	1,085 1,123	1, 305 347	1, 620 734	2, 219 284
Washington County	838 871	846 875	1, 101 136	1, 508 582	1, 598 695

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

APPENDIX B – ~~2024~~2025-~~2025~~2026 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~~2025, those amounts are:

Number in Household	Weekly Maximum \$	Monthly Maximum
1	67.91 <u>69.30</u>	\$ 292.00 <u>298.00</u>
2	124.65 <u>126.98</u>	536 <u>546</u> .00
3	178.60 <u>182.56</u>	768 <u>785</u> .00
4	226.74 <u>231.16</u>	975 <u>994</u> .00
5	269.30 <u>275.12</u>	1, 158 <u>183</u> .00
6	323.26 <u>330.47</u>	1, 390 <u>421</u> .00
7	357.21 <u>365.35</u>	1, 536 <u>571</u> .00
8	408.37 <u>416.05</u>	1, 756 <u>789</u> .00

Note: For each additional person add \$~~220~~218 per month.

APPENDIX C – ~~2024~~2025-2025-2026 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>	
Bedrooms		<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0		144149	619640	174181	748779
1		152155	654667	191196	822844
2		186192	798826	237245	1,019054
3		261273	1,123174	324338	1,393451
4		270278	1,162196	347356	1,492529
<u>Franklin County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0		154158	660679	184190	789818
1		164170	705732	203211	873909
2		216225	929969	267278	1,150197
3		293304	1,260309	356369	1,530586
4		326336	1,402443	403413	1,732776
<u>Hancock County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0		224231	964995	251260	1,079118
1		224231	964995	252260	1,083118
2		253260	1,087118	299307	1,284322
3		341351	1,467509	397408	1,707756
4		341351	1,467509	397408	1,707756
<u>Kennebec County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0		189196	811841	215224	926964

1	<u>189196</u>	<u>811841</u>	<u>216225</u>	<u>927968</u>
2	<u>231243</u>	<u>9941,045</u>	<u>277291</u>	<u>1,191249</u>
3	<u>294307</u>	<u>1,262321</u>	<u>349365</u>	<u>1,502568</u>
4	<u>339367</u>	<u>1,459578</u>	<u>407437</u>	<u>1,752877</u>

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>187192</u>	<u>803828</u>	<u>214221</u>	<u>918951</u>
1	<u>187192</u>	<u>803828</u>	<u>216224</u>	<u>927964</u>
2	<u>219225</u>	<u>943969</u>	<u>265273</u>	<u>1,140173</u>
3	<u>298307</u>	<u>1,283319</u>	<u>354364</u>	<u>1,523566</u>
4	<u>310336</u>	<u>1,332445</u>	<u>378406</u>	<u>1,625744</u>

<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>210243</u>	<u>9051,046</u>	<u>237272</u>	<u>1,020169</u>
1	<u>211243</u>	<u>9061,046</u>	<u>246277</u>	<u>1,057190</u>
2	<u>259266</u>	<u>1,112144</u>	<u>304314</u>	<u>1,309348</u>
3	<u>341356</u>	<u>1,466529</u>	<u>397413</u>	<u>1,706776</u>
4	<u>425438</u>	<u>1,829882</u>	<u>493507</u>	<u>2,122181</u>

<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>179184</u>	<u>770793</u>	<u>206213</u>	<u>885916</u>
1	<u>179184</u>	<u>770793</u>	<u>207214</u>	<u>891919</u>
2	<u>224231</u>	<u>965992</u>	<u>270278</u>	<u>1,162196</u>
3	<u>304313</u>	<u>1,308345</u>	<u>360370</u>	<u>1,548592</u>
4	<u>359393</u>	<u>1,544689</u>	<u>427462</u>	<u>1,837988</u>

<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>147159</u>	<u>630685</u>	<u>177192</u>	<u>759824</u>
1	<u>156172</u>	<u>672739</u>	<u>195213</u>	<u>840916</u>
2	<u>206227</u>	<u>886977</u>	<u>257280</u>	<u>1,107205</u>
3	<u>256274</u>	<u>1,100177</u>	<u>319338</u>	<u>1,370454</u>
4	<u>309317</u>	<u>1,327365</u>	<u>385395</u>	<u>1,657698</u>

<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>178183</u>	<u>765788</u>	<u>205212</u>	<u>880911</u>
1	<u>178191</u>	<u>765820</u>	<u>212228</u>	<u>912979</u>

Waldo County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>219226</u>	<u>943973</u>	<u>246255</u>	<u>1,058096</u>
1	<u>219226</u>	<u>943973</u>	<u>248256</u>	<u>1,066100</u>
2	<u>252260</u>	<u>1,085116</u>	<u>298307</u>	<u>1,282320</u>
3	<u>315339</u>	<u>1,353456</u>	<u>370396</u>	<u>1,593703</u>
4	<u>440453</u>	<u>1,894949</u>	<u>509523</u>	<u>2,187248</u>
Washington County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>164169</u>	<u>706727</u>	<u>191198</u>	<u>821850</u>
1	<u>164169</u>	<u>706727</u>	<u>192198</u>	<u>827852</u>
2	<u>205210</u>	<u>881905</u>	<u>251258</u>	<u>1,078109</u>
3	<u>289303</u>	<u>1,241305</u>	<u>344361</u>	<u>1,481551</u>
4	<u>296316</u>	<u>1,273360</u>	<u>364386</u>	<u>1,566659</u>
2	<u>214220</u>	<u>920946</u>	<u>260267</u>	<u>1,117150</u>
3	<u>284292</u>	<u>1,220254</u>	<u>339349</u>	<u>1,460501</u>
4	<u>299308</u>	<u>1,287326</u>	<u>367378</u>	<u>1,580625</u>

Non-Metropolitan FMR Areas

Metropolitan FMR Areas

Bangor HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>195231</u>	<u>837993</u>	<u>221260</u>	<u>9521,116</u>
1	<u>209243</u>	<u>8981,043</u>	<u>244280</u>	<u>1,049202</u>
2	<u>267310</u>	<u>1,147335</u>	<u>312358</u>	<u>1,344539</u>
3	<u>344402</u>	<u>1,477730</u>	<u>399460</u>	<u>1,717977</u>
4	<u>467481</u>	<u>2,008066</u>	<u>535550</u>	<u>2,301365</u>
Cumberland Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>234273</u>	<u>1,007173</u>	<u>261301</u>	<u>1,122296</u>
1	<u>258298</u>	<u>1,110281</u>	<u>293335</u>	<u>1,261440</u>
2	<u>342393</u>	<u>1,469689</u>	<u>387440</u>	<u>1,666893</u>
3	<u>434496</u>	<u>1,8642,132</u>	<u>489553</u>	<u>2,104379</u>
4	<u>500604</u>	<u>2,151599</u>	<u>568674</u>	<u>2,444898</u>

Appendix C
Effective: 10/01/25-09/30/26

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	174196	749844	201225	864967
1	185212	795911	220249	9461,070
2	235271	1,012164	281318	1,209368
3	312361	1,341551	368418	1,581798
4	377394	1,622695	445464	1,915994

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>173181</u>	<u>742779</u>	<u>199210</u>	<u>857902</u>
1	<u>173183</u>	<u>742786</u>	<u>201220</u>	<u>865945</u>
2	<u>221242</u>	<u>9491,040</u>	<u>266289</u>	<u>1,146244</u>
3	<u>278308</u>	<u>1,197323</u>	<u>334365</u>	<u>1,437570</u>
4	<u>297363</u>	<u>1,278560</u>	<u>365432</u>	<u>1,571859</u>
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>307319</u>	<u>1,319373</u>	<u>334348</u>	<u>1,434496</u>
1	<u>347358</u>	<u>1,493539</u>	<u>382395</u>	<u>1,644698</u>
2	<u>447461</u>	<u>1,921981</u>	<u>492508</u>	<u>2,118185</u>
3	<u>569586</u>	<u>2,448520</u>	<u>625644</u>	<u>2,688767</u>
4	<u>699720</u>	<u>3,007094</u>	<u>767789</u>	<u>3,300393</u>
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>195232</u>	<u>837997</u>	<u>221261</u>	<u>9521,120</u>
1	<u>230256</u>	<u>9891,103</u>	<u>265293</u>	<u>1,140262</u>
2	<u>277313</u>	<u>1,193348</u>	<u>323361</u>	<u>1,390552</u>
3	<u>389450</u>	<u>1,672934</u>	<u>445507</u>	<u>1,9122,181</u>
4	<u>467539</u>	<u>2,010316</u>	<u>536608</u>	<u>2,303615</u>
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>247264</u>	<u>1,060134</u>	<u>273292</u>	<u>1,175257</u>
1	<u>254293</u>	<u>1,091261</u>	<u>289330</u>	<u>1,242420</u>
2	<u>313360</u>	<u>1,347547</u>	<u>359407</u>	<u>1,544751</u>
3	<u>412481</u>	<u>1,7722,069</u>	<u>468539</u>	<u>2,012316</u>
4	<u>459524</u>	<u>1,9722,251</u>	<u>527593</u>	<u>2,265550</u>
<u>York/Kittery / S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	<u>288312</u>	<u>1,239343</u>	<u>315341</u>	<u>1,354466</u>
1	<u>296349</u>	<u>1,274499</u>	<u>331386</u>	<u>1,425658</u>
2	<u>392450</u>	<u>1,685937</u>	<u>438498</u>	<u>1,8822,141</u>
3	<u>540588</u>	<u>2,322529</u>	<u>596646</u>	<u>2,562776</u>
4	<u>693769</u>	<u>2,9803,306</u>	<u>761838</u>	<u>3,273605</u>

APPENDIX D — 2024-2025 2025-2026 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>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

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>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

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 2025-2026 Heating Fuel Maximums

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

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

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 2025-2026 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>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00
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>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

~~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~~54 cents (~~50~~54 ¢) 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 **\$1,620**.

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.

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 **\$1,125**.

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 \$55
- 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 M.R.S. § 1043 (23))

23. Misconduct. “Misconduct” means a culpable breach of the 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 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.

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) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (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) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;

- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

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

- (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) 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 notification rules and policies; or
- (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.

[PL 2019, c. 125, §1 (AMD).]

GENERAL ASSISTANCE ORDINANCE



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

**Prepared by Maine Municipal Association
September 2025**

Table of Contents

ARTICLE I – Statement of Policy	1
ARTICLE II – Definitions	3
Section 2.1—Common Meaning of Words	3
Section 2.2—Special Definitions	3
Administrator.	3
Applicant.	3
Application Form.	3
Basic Necessities.	3
Case Record.	3
Categorical Assistance.	4
Claimant.	4
Deficit.	4
Disabled Person.	4
Dwelling Unit.	4
Earned Income.	4
Eligible Person.	4
Emergency.	4
General Assistance (“GA”) Program.	4
General Assistance (“GA”) Benefits.	4
General Assistance (“GA”) Administrator.	5
Homelessness.	5
Household.	5
Income.	5
Initial Applicant.	6
Just Cause.	6
Landlord.	6
Lump Sum Payment.	6
Material Fact.	6
Maximum Levels of Assistance.	7
Misconduct.	7
Misspent Income.	7
Municipality.	7
Municipality of Responsibility.	7

Need	7
Net General Assistance Costs.	7
Operator.	7
Period of Eligibility.....	7
Pooling of Income.....	7
Potential Resources.	8
Pursuing a Lawful Process to Apply for Immigration Relief.....	8
Real Estate.	8
Recipient.	8
Recovery Residence.	8
Registered Domestic Partner.....	8
Rehabilitation Facility.....	8
Repeat Applicants.	8
Resident.....	8
Resources.	8
30-Day Need.	9
Unearned Income	9
Unforeseen Repeat Applicants.	9
Unmet Need.	9
Work Requirements.	9
ARTICLE III – Administrative Rules and Regulations	10
Section 3.1—Confidentiality of Information.....	10
Release of Information.	10
Information from Other Sources; Penalty.	10
Misuse of Information.....	10
Section 3.2—Maintenance of Records	10
Case Records.....	10
Retention of Records.....	11
ARTICLE IV – Application Procedure.....	12
Section 4.1—Right to Apply	12
Who May Apply.	12
Telephone Applications.	12
Written Application Upon Each Request.	12
Applications Available/Accepted; Posted Notice.	12

Section 4.2—Application Interview	12
Section 4.3—Contents of the Application.....	13
Section 4.4— GA Administrator’s Responsibilities at the Time of Application	13
Application Requirements.....	13
Eligibility Requirements.	13
Applicant Rights.	14
Reimbursement/Recovery.....	14
Section 4.5—Responsibilities of the Applicant at Time of Application	14
Section 4.6—Action on Applications.....	15
Written Decision.	15
Content of Decision.	15
Section 4.7—Withdrawal of an Application	15
Section 4.8—Temporary Refusal to Accept Application.....	15
Section 4.9—Emergencies	15
Disqualification for Emergency Assistance.	16
Assistance Prior to Verification.	16
Telephone Applications.	16
Limitation on Emergency Assistance.....	17
Section 4.10—Residence.....	17
Moving/Relocating.....	18
Institutions.....	18
Temporary Housing.	18
Disputes.	18
ARTICLE V – Eligibility Factors	19
Section 5.1—Initial Application.....	19
Initial Application.	19
Repeat Applicants.	19
Section 5.1A – Presumptive Eligibility	19
Section 5.1B – Recovery Residences	19
Section 5.2—Eligibility for Categorical Assistance.....	20
Section 5.3—Personal Property.....	20
a) Liquid Assets.....	20
b) Tangible Assets.	20
c) Automobile Ownership.	20
d) Insurance.	21

e) Transfer of Property.	21
Section 5.4—Ownership of Real Estate	22
a) Principal Residence.	22
b) Other Property.	22
Section 5.5—Work Requirement	23
Employment; Rehabilitation.	23
Verification.	23
Ineligibility.....	23
Ineligibility Due to Job Quit or Discharge for Misconduct.....	24
Just Cause.....	24
Applicant’s Burden of Establishing Just Cause.	24
Eligibility Regained.	24
Dependents.....	24
Exemptions.	25
Section 5.6—Municipal Work Program.....	25
Consent.	25
Subtracting Value of Workfare Performed from Client’s GA Debt.....	25
Limitations.	25
“Workfare First” Policy.	27
Work-Related Expenses.....	27
Disqualification.....	28
Eligibility Regained.	28
Reports.....	28
Section 5.7—Use of Resources	29
Minors.....	29
Mental or Physical Disability.....	29
Written Notice; Disqualification.....	29
Forfeiture of Benefits.....	30
Section 5.8—Period of Ineligibility	30
Work Requirement.....	30
Fraud.....	30
Section 5.9 – Unemployment Fraud.....	30
ARTICLE VI – Determination of Eligibility	31
Section 6.1—Recognition of Dignity and Rights.....	31
Section 6.2—Determination; Redetermination	31

Section 6.3—Verification.....	31
Eligibility of Applicant; Duration of Eligibility.....	31
Applicant's Responsibilities.	31
Initial Applicants.....	32
Repeat Applicants.	32
Unforeseen Repeat Applicants.....	32
Administrator's Responsibilities.....	32
Redetermination of Eligibility.....	33
Penalty for Refusing to Release Information.	33
Section 6.4—Fraud.....	33
Period of Ineligibility.	33
Right to a Fair Hearing.....	34
Reimbursement.	34
Dependents.....	34
Section 6.5—Period of Eligibility	34
Section 6.6—Determination of Need	34
Income for Basic Necessities.	35
Use-of-Income Requirements.	35
Calculation of Income and Expenses.	36
Consolidation of Deficit.....	36
Section 6.7—Income	37
Income Standards.....	37
Calculation of Income.....	37
Types of Income.....	37
a) Earned Income.....	37
b) Income from Other Assistance or Social Services Programs.	37
c) Court-Ordered Support Payments.....	38
d) Income from Other Sources.....	38
e) Earnings of a Son or Daughter.	38
f) Income from Household Members.	38
g) The Pooling or Non-Pooling of Income.	38
h) Lump Sum Income.	39
Section 6.8—Basic Necessities; Maximum Levels of Assistance.....	40
Overall Maximum Levels of Assistance.	40
Maximum Levels of Assistance for Specific Basic Necessities.....	40

(A) Food.....	40
(B) Housing.....	41
Temporary Lodging	41
Large Recovery Residences.....	41
Rental Payments to Relatives.....	41
Rental Payments to Non-Relatives.....	41
Mortgage Payments.....	42
Liens.....	43
Property Taxes.....	43
Housing Maximums.....	44
(C) Utilities.....	44
Electricity Maximums for Households Without Electric Hot Water.....	44
Electricity Maximums for Households that Use Electrically Heated Hot Water.....	45
Non-Electric Utilities.....	45
(D) Fuel.....	45
(E) Personal Care and Household Supplies.....	45
(F) Other Basic Necessities.....	45
1) Clothing.....	45
2) Medical.....	45
3) Hospital Bills.....	46
4) Dental.....	46
5) Eye Care.....	47
6) Telephone Charge.....	47
7) Work-Related Expenses.....	47
8) Travel Expenses.....	47
9) Burials, Cremations.....	47
10) Capital Improvements.....	47
Section 6.9—Burials; Cremations.....	48
Funeral Director Must Give Timely Notice.....	48
Application for Assistance Shall be Calculated on Behalf of the Deceased.....	48
The Financial Responsibility of Certain Family Members.....	48
Consideration of the Financial Responsibility of Family Members.....	48
Proration of Familial Responsibility.....	49
Eight Days to Determine Eligibility.....	49
The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute.....	49
Burial Expenses.....	49
Cremation Expenses.....	49

Section 6.10—Notice of Decision.....	50
Written Decision.	50
Contents of Decision.	50
Disbursement of GA.	50
ARTICLE VII – The Fair Hearing.....	51
Section 7.1—Right to a Fair Hearing.....	51
Section 7.2—Method of Obtaining a Fair Hearing	51
Written Request.	51
Scheduling the Fair Hearing.....	51
Section 7.3—The Fair Hearing Authority	52
Section 7.4—Fair Hearing Procedure.....	52
Claimant’s Failure to Appear.	53
Section 7.5—The Fair Hearing Decision	53
ARTICLE VIII – Recovery of Expenses	54
Recipients.....	54
Recipients Anticipating Workers’ Compensation Benefits.....	54
Recipients of SSI.....	54
Relatives.....	54
ARTICLE IX – Severability.....	55
APPENDICES	56
APPENDIX A - 2025-2026 GA Overall Maximums	57
APPENDIX B - 2025-2026 Food Maximums.....	59
APPENDIX C - 2025-2026 GA Housing Maximums.....	60
APPENDIX D - 2025-2026 Electric Utility Maximums.....	64
APPENDIX E - 2025-2026 Heating Fuel Maximums	65
APPENDIX F - 2025-2026 Personal Care & Household Supplies Maximums	66
APPENDIX G - Mileage Rate.....	67
APPENDIX H - Funeral Maximums / Burial Maximums and Cremation Maximums.....	68
APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23)).....	70

ARTICLE I – Statement of Policy

The Municipality of _____ administers a general assistance (GA) program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. §§ 4301-4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will 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 GA program are encouraged to contact the municipality to make an accommodation request.

The 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 with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the 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 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 issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see Ordinance § 5.6*).

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

The Administrator will post notice stating the regular business hours when an application may be obtained, the designated business hours when an application may be accepted and processed, and

the Administrator, or other designated person/entity that will be available to take applications in an emergency at all other times. A copy of this ordinance and Maine GA law will be 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 GA program, the delivery of trauma-informed services and culturally linguistically appropriate services as defined above, and the laws governing the GA 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 an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. 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 Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

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
- Cable or satellite dish television
- Mail orders
- 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 when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 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 and types and amounts of assistance provided; records concerning an applicant’s request for fair hearing; and 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 (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided 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. § 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 GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. 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. §§ 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 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 lessen the municipality’s responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 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. They may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 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. § 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 performed;
- Cash received on either secured or unsecured credit;
- Payments received as an annuity, retirement or disability benefits;
- Veterans’ pensions and/or benefits;
- Retirement accounts or benefits;
- Workers’ compensation payments;
- Unemployment benefits;
- Federal and/or state tax returns;
- Income from pension or trust funds;
- Student loans;
- Benefits under any state or federal categorical assistance program such as TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation);
- Court ordered support payments (e.g., child support);
- Household income from any other source, including relatives or unrelated household members; and
- Rental income.

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

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- 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 childcare expenses; or
- 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. § 4301(7)).

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

Initial Applicant. A person who has not previously applied for GA assistance in this or any other municipality.

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. §§ 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 required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a 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. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA 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.

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

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A), misconduct shall have the same meaning as “misconduct” in 26 M.R.S. § 1043(23). (*See Ordinance Appendix I*). Generally, misconduct occurs when an employee violates 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 GA 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. §§ 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. §§ 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 GA program. (22 M.R.S. §§ 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 GA 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. § 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. This ordinance 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 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. § 4301(13)).

Recipient. A person who has applied for and is currently receiving 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 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 they are eligible, until they establish a new residence in another municipality. (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for 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, state or federal assistance programs, employment benefits, governmental or private pension 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. § 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 Administrator, a 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 Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; 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. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who 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 (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), 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 obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for 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

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 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 unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of their records to the specified parties. Whenever the Administrator releases any information, they will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

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

Any representative of a financial institution or any employer of a 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 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 commits a Class E crime. (22 M.R.S. §§ 4314, 4315).

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

Section 3.2—Maintenance of Records

The Administrator will maintain complete and accurate program records. (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator's decisions.

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

- household applications;
- household budget sheets;

ARTICLE III – Administrative Rules and Regulations

- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever 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 GA, the results of home visits, collateral information, referrals, changes in status;
- 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 that is irrelevant to the applicant's or recipient's application or the Administrator's decisions.

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

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

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and they cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with their permission. (22 M.R.S. § 4304).

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

Applications Available/Accepted; Posted Notice. Any person may obtain an application for GA during the municipality's regular business hours. Applications will be accepted and processed during designated daily hours that will not total less than 50% of the municipality's regular business hours. In an emergency, however, the Administrator or their designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the regular business hours when an application may be obtained, the designated daily hours during which applications for assistance will be accepted and processed; and contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. 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

An application must contain the following information:

- a) the applicant’s name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
- b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant 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 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.

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

Section 4.4— GA Administrator’s Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant’s eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant’s information and any benefit reimbursement agreements before the Administrator requests the applicant’s signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, 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 reduction in assistance that 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 will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;
- confidentiality of the application and other records;
- contact the DHHS with complaints;
- challenge the Administrator’s decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that they must reimburse the municipality the amount of GA benefits they have been granted if they subsequently have the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient’s legal representative of the recipient’s obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant’s support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, “Recovery of Expenses”*). (22 M.R.S. §§ 4318, 4319). Whenever applicable, the Administrator will explain the 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” lien, described in Article VIII, “Recovery of Expenses.”

Section 4.5—Responsibilities of the Applicant at Time of Application

The applicant 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
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 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, 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, in order to diminish the applicant’s need for GA. (22 M.R.S. §§ 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning 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 Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. §§ 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:

- a) the type and amount of 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 they believe the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances 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; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when their conduct is under control.
- b) If the Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, if 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, the applicant may be required to designate a third party to apply for assistance on 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 they have been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 4.9—Emergencies

An "emergency" 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. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless they are disqualified as provided below, emergency

assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 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 applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance §§ 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance. (22 M.R.S. § 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. § 4309(3)).

If 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 by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that they need assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant the 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 their need. The Administrator may contact at least one other person to confirm the applicant’s statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant’s eligibility is confirmed. (22 M.R.S. § 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 shall accept an application over the telephone. (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting their home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If 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, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. §§ 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the 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 shall seek from the applicant all information pertinent to the applicant's ability to provide for their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent 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 shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total GA actually received during the applicable time period.
- e) The 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 may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for GA.
- 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 GA 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 shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, 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 will determine their eligibility and, if eligible, will grant assistance until they establish a residence in another municipality. (22 M.R.S. § 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 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 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, they will be the responsibility of this municipality for up to 12 months after they enter the institution if the conditions of 22 M.R.S. § 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 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. § 4307(4)).

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

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 12 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. §§ 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

A person will be eligible for GA if 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, need will be the sole condition of eligibility, except that all applicants, including initial applicants, 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. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 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 Ordinance § 6.8 or the applicant’s 30-day need, whichever is less, and they do not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The 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 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, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the 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 their fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Ordinance § 6.7, subsection (c) under “Types of Income”. For several additional exceptions please refer to the definition of “Income” in this 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 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. § 4317).

Section 5.3—Personal Property**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 GA unless and until they use these assets to meet their basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary 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) Tangible Assets.

No person owning or possessing personal property, 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 GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in 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) 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 determines reasonable for the maintenance of the applicant’s household. GA recipients who own an automobile with a market value greater than \$8,000 may be required, with 7-day’s written notice, to make a good faith effort to

trade that automobile for an automobile with a market value of less than \$8,000. Any income received by the applicant by virtue of such a trade down must be used for their basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S. § 4317).

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

d) Insurance.

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

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 GA will not be granted 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 be issued. There will be a presumption that the applicant transferred their assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) **Principal Residence.**

Solely for purposes of 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 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, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
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. 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. The land is not utilized for the maintenance and/or support of the household; and
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. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the 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; therefore, the entire 100 acres 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) **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. 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. 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 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 sale of the property or upon the death of the recipient (*see also Ordinance § 6.8*). 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All 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 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 employment workshops and rehabilitative services, except as provided below (*see “Exemptions”*). Applicants must demonstrate to the 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 must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation 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” 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 will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill their work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours 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.

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) refuse to register for employment with the Maine Job Service;
- 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 work search and will be disqualified;
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or
- f) refuse to participate or participate in a substandard manner in the municipal work program (*see Ordinance § 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit their full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see definition in Appendix I*) will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. §§ 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 them from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- 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 childcare or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor (DOL), or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the 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. § 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 that they are complying with the work requirement by fulfilling the work requirement(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. § 1043 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 Ordinance § 5.6, under “Eligibility 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:

- 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. § 4309(3)).

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 by dividing the maximum level of assistance available to the entire household by the total number of household 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 DOL or determined by the 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 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. § 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 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 GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants 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 M.R.S. § 4318, individuals 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.

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

- 1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided

with net 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 DOL or determined by the 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 DOL.
- 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 their 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 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. § 4309).

If the 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 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 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. § 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 GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that they are willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare

participation may be required prior to receiving GA in accordance with the “workfare first” policy below.

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

- 1) In no circumstance will emergency 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 within 24 hours after submitting an application for GA and prior to performing any workfare for the municipality associated with that request for assistance.

That written decision must include:

- a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the 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 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 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 must sign a consent form that informs the participant of 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 shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.
 - 5) If any part of the workfare assignment 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 Administrator.

Work-Related Expenses. A participant’s expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform 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. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that 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 there was just cause for any failure to perform a workfare assignment.

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 Ordinance § 5.5, “Dependents”*).
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which they, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of emergency assistance will not bar the 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 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 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. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The 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. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce their need for GA (*see Ordinance § 2.2, definition of “Resources”*). 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. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of 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 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 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 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. § 4309(4)).

Any person under the age of 25 who is applying independently from their parents for GA will be informed that until they reach the age of 25, the applicant’s parents are still legally liable for 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 their parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant’s need for GA by contacting their parents. If the applicant’s parents declare a willingness to provide the applicant with their basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on their parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that 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 Administrator 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 they have made a good faith effort to utilize or obtain the

resources. 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.

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 GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value 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 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 GA 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. § 4317).

Section 5.8—Period of Ineligibility

No one will have their GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. §§ 4321-4322). Each person will be notified in writing of the reasons for 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 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 end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days (*see Ordinance § 6.4, “Fraud”*). The Administrator shall give recipients written notice that they are ineligible as soon as the 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 DOL pursuant to 26 M.R.S. § 1051(1) is ineligible to receive GA to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the DOL. 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 their individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The 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 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 may redetermine a person's eligibility at any time during the period they are receiving assistance if the 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 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. § 4309).

Section 6.3—Verification

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for 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. Applicants and recipients for GA are responsible for providing to the 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 Administrator. When such information is unavailable, the 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, current information and documentation concerning his/her:

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

Initial Applicants. Persons who 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 must still provide the GA Administrator with reasonably obtainable documentation adequate to 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., quit job).

Repeat Applicants. All applicants for 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 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 Administrator.

Repeat applicants 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 finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's Responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant – except that the Administrator may examine public records without the applicant's knowledge and consent.

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

- DHHS, 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 necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of Eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the 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 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. § 4314 who refuses to provide necessary information to the 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 is guilty of a Class E crime. (22 M.R.S. §§ 4314(5), 4314(6), 4315).

Section 6.4—Fraud

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

False representation means any individual who knowingly and willfully:

- a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) uses GA benefits for a purpose other than 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 Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making themselves eligible for GA, the Administrator shall notify that applicant in writing that 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 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 shall inform the applicant of their right to appeal the 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. No recipient shall have 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. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which 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. § 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 by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The 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. § 4309). Upon receiving a completed and signed application the 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, the GA Administrator shall render a notice of “ineligibility” and advise the applicant that they have a right to reapply as soon as 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 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 elects to disburse 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. § 4301(7)). The Administrator will calculate applicants’ expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in 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. § 4308(2)) (*see Ordinance § 4.9*).

Applicants will also not be considered in need of 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 Ordinance § 6.8. (22 M.R.S. §§ 4301(10), 4305(3-B)). The difference between the applicant’s income and the overall maximum levels of assistance established by this Ordinance is the applicant’s deficit.

Once an applicant’s deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator’s distribution of assistance for which the applicant is eligible. (*See Ordinance Appendices 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. § 4305(3-A)).

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. § 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 may require that anyone applying for GA provide documentation of 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 Administrator for “unforeseen” repeat applicants (*See Ordinance § 6.3*); 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 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.

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

- | | |
|----------------------------------|-----------------------------|
| • Internet services | for medical or work related |
| • Cable or satellite television | purposes |
| • Cellular phones, except when | • Cigarettes/alcohol |
| deemed essential by the overseer | • Gifts purchased |

ARTICLE VI – Determination of Eligibility

- 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 their income for basic necessities or fails to reasonably document their of income. (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The Administrator may require the applicant to use some or all of their income, at the time it becomes available, toward specific basic necessities. The 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 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 GA to replace that income; and
- 4) If the applicant does not spend 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 will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of 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 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 Ordinance § 6.8 for specific basic necessities except in an emergency or when the 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 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 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 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 Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the 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 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 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. § 4308) (*see Ordinance § 4.9*). To calculate weekly income and expenses, the 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 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 childcare costs will be deducted from an applicant's income. (22 M.R.S. § 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 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 GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for 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.

The 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 their total fuel costs. Accordingly, in such cases, the Administrator will budget for the household’s heating energy needs according to actual usage, up to the ordinance maximums, but the 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 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 U.S.C. § 5044(f))
 - Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))
- c) **Court-Ordered Support Payments.** Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement 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. § 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 GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household’s expenses, bank statements, cancelled checks, receipts, landlord statements or

other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for 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 their income and 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 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 GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 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 GA program such as: reasonable payment of 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. § 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 GA; and
- 5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the 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 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, an applicant's eligibility for GA will be first determined by subtracting their income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for 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 GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

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, 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 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.

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 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 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 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) **Food.** The 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 DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

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

The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The 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) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in 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.

Temporary Lodging. 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 as defined in 22 M.R.S. § 2491(7-F).

Large Recovery Residences. The maximum amount of housing assistance provided to or on behalf of a person residing in a recovery residence, as described in 22 M.R.S. § 4309(6), with occupancy of 26 or more beds, is equal to 70% of the maximum levels of housing assistance available for a person residing in a recovery residence with occupancy of 25 or fewer beds. (22 M.R.S. § 4305(3-E)).

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. § 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. § 4301(6)).

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.

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 § 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 DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of their tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the 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;
- (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 they were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of 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.

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 shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the 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 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.

If a mortgage payment is necessary, the 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 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 will inform the applicant that they are responsible for finding alternative housing within 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. § 4320). No lien may be enforced against a recipient except upon 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 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 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.

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 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 their property taxes, the 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. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using 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
- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax 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 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 for the current year's housing maximums.

If and when the maximum levels of housing assistance in this 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 pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

Note. The maximum amount of housing assistance provided to or on behalf of a person residing in a recovery residence, as described in 22 M.R.S. § 4309(6), with occupancy of 26 or more beds, is equal to 70% of the maximum levels of housing assistance available for a person residing in a recovery residence with occupancy of 25 or fewer beds. (22 M.R.S. § 4305(3-E)).

- (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.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The 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 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. § 4308(2)) (*see Ordinance §§ 4.9; 6.3*). The Administrator will notify applicants in writing that they must give the 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 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 for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D 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.

- (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 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 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 timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants’ control, and process the emergency request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year’s fuel maximums.

- (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. 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 for the current year’s personal care and household supplies maximums.

- (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 and safety by the 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 GA 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 their need to seek GA 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 may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the 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 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, the municipality will have no obligation to pay the bill.

Any person who cannot pay 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. § 1716. Anyone who is not eligible for the hospital's free care program may apply for 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 are not eligible for the hospital's free care program.

Before the 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 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 Ordinance § 6.6.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the 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 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 GA for eyeglasses, an applicant must have their medical need certified by a person licensed to practice optometry. The 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, minimum/basic telephone services may be allowed for households with children, for households where job search or work-related reasons exist and/or for any other reasons the 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 Ordinance Appendix G for 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 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 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 when the capital improvement/repair has been pre-approved by the 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 may grant 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. § 4320 when 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 prior to the burial or cremation or by the end of three business days following the funeral director's receipt of the body, whichever is earlier. (22 M.R.S. § 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 Administrator. In addition, the funeral director may refer legally liable relatives to the 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 GA for burial or cremation purposes, an application for assistance shall be completed by the 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 Ordinance § 4.10.

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 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 GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all 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, children and grandchildren of the deceased whether or not living in 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 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, all legally liable relatives must provide the 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 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 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 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 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 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 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.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of 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 shall not use this 8-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.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Appendix H for the maximum levels of burial assistance.

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

Section 6.10—Notice of Decision

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

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

The Administrator must explain the 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 items listed in Ordinance § 4.6, the notice of decision will include a statement that:

- a) the applicant has the right to a fair hearing and how to request a fair hearing, and;
- b) the applicant has the right to contact the DHHS if they believe the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

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

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of 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 their authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the 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 Administrator, all claimants will be informed of 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 Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or their authorized representative, must make a written request within 5 working days of receipt of the 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 will make a form available 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) the claimant is dissatisfied and why the claimant believes they are eligible to receive assistance; and
- c) the relief sought by the claimant.

The 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 FHA must meet and hold the hearing within 5 working days. The Administrator will notify the claimant in writing when and where the hearing will be held. (22 M.R.S. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant’s rights to:

- a) be their own spokesperson at the fair hearing, or at the claimant’s own expense be represented by legal counsel or another;
- b) confront and cross-examine any witnesses presented at the hearing; and
- c) present witnesses on 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 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 ensuring that GA is administered in accordance with state law and this ordinance.

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

- a) 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 operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, they will also be given adequate information about the hearing procedure to allow them to effectively prepare their case. The claimant shall be permitted to review their file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

- a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
- b) be opened with a presentation of the issue by the 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 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 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 FHA must be made available to the claimant or their representative. The claimant will be responsible for preparing a written transcript if they wish to pursue court action.

The 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. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear.

"Just cause" for a claimant's failure to appear at a fair hearing, 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 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 his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If 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 will be binding on the 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:

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

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, they may appeal pursuant to Maine 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 FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – 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 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.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient. However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA. (22 M.R.S. § 4318).

Recipients Anticipating Workers’ Compensation Benefits. The municipality shall claim a lien on any lump sum payment 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. § 4318, 39-A M.R.S. § 106). After issuing any 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 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 who has applied for or is receiving Workers’ Compensation. Any 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 GA until 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 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 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 GA granted. Any 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. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until they provide the required signature. (22 M.R.S. § 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. § 4319). In addition, the grandchildren, children, parents, 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 behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

ARTICLE IX – Severability

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

APPENDICES

APPENDIX A – 2025-2026 GA Overall Maximums.....	57
APPENDIX B – 2025-2026 Food Maximums	59
APPENDIX C – 2025-2026 GA Housing Maximums	60
APPENDIX D – 2025-2026 Electric Utility Maximums	64
APPENDIX E – 2025-2026 Heating Fuel Maximums.....	65
APPENDIX F – 2025-2026 Personal Care & Household Supplies Maximums	66
APPENDIX G – Mileage Rate	67
APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums.....	68
APPENDIX I – 26 M.R.S. § 1043 (23)	70

2025-2026 GA Overall Maximums

Metropolitan Areas

Persons in Household					
COUNTY	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	1,137	1,225	1,566	2,008	2,401
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,317	1,463	1,920	2,410	2,934
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	988	1,093	1,395	1,829	2,030
Penobscot County HMFA: 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	923	968	1,271	1,601	1,895
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	1,517	1,721	2,212	2,798	3,429
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	1,141	1,285	1,579	2,212	2,651

Appendix A
Effective: 10/01/25-09/30/26

COUNTY	1	2	3	4	5
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,278	1,443	1,778	2,347	2,586
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,487	1,681	2,168	2,807	3,641

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

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	803	871	1,085	1,486	1,569
Franklin County	842	936	1,228	1,621	1,816
Hancock County	1,139	1,140	1,349	1,787	1,791
Kennebec County	985	991	1,276	1,599	1,913
Knox County	972	987	1,200	1,597	1,780
Lincoln County	1,190	1,213	1,375	1,807	2,217
Oxford County	937	942	1,223	1,623	2,024
Piscataquis County	848	943	1,236	1,489	1,738
Somerset County	932	1,002	1,177	1,532	1,661
Waldo County	1,117	1,123	1,347	1,734	2,284
Washington County	871	875	1,136	1,582	1,695

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

2025-2026 Food Maximums

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, 2025, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 69.30	\$ 298.00
2	126.98	546.00
3	182.56	785.00
4	231.16	994.00
5	275.12	1,183.00
6	330.47	1,421.00
7	365.35	1,571.00
8	416.05	1,789.00

Note: For each additional person add \$218 per month.

2025-2026 GA Housing Maximums

(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>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	149	640	181	779
1	155	667	196	844
2	192	826	245	1,054
3	273	1,174	338	1,451
4	278	1,196	356	1,529
<u>Franklin County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	158	679	190	818
1	170	732	211	909
2	225	969	278	1,197
3	304	1,309	369	1,586
4	336	1,443	413	1,776
<u>Hancock County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	231	995	260	1,118
1	231	995	260	1,118
2	260	1,118	307	1,322
3	351	1,509	408	1,756
4	351	1,509	408	1,756
<u>Kennebec County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	196	841	224	964
1	196	841	225	968
2	243	1,045	291	1,249
3	307	1,321	365	1,568
4	367	1,578	437	1,877

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	192	828	221	951
1	192	828	224	964
2	225	969	273	1,173
3	307	1,319	364	1,566
4	336	1,445	406	1,744
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	243	1,046	272	1,169
1	243	1,046	277	1,190
2	266	1,144	314	1,348
3	356	1,529	413	1,776
4	438	1,882	507	2,181
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	184	793	213	916
1	184	793	214	919
2	231	992	278	1,196
3	313	1,345	370	1,592
4	393	1,689	462	1,988
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	159	685	192	824
1	172	739	213	916
2	227	977	280	1,205
3	274	1,177	338	1,454
4	317	1,365	395	1,698
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	183	788	212	911
1	191	820	228	979
2	220	946	267	1,150
3	292	1,254	349	1,501
4	308	1,326	378	1,625

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	226	973	255	1,096
1	226	973	256	1,100
2	260	1,116	307	1,320
3	339	1,456	396	1,703
4	453	1,949	523	2,248
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	169	727	198	850
1	169	727	198	852
2	210	905	258	1,109
3	303	1,305	361	1,551
4	316	1,360	386	1,659

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	231	993	260	1,116
1	243	1,043	280	1,202
2	310	1,335	358	1,539
3	402	1,730	460	1,977
4	481	2,066	550	2,365
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	273	1,173	301	1,296
1	298	1,281	335	1,440
2	393	1,689	440	1,893
3	496	2,132	553	2,379
4	604	2,599	674	2,898

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	196	844	225	967
1	212	911	249	1,070
2	271	1,164	318	1,368
3	361	1,551	418	1,798
4	394	1,695	464	1,994

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	181	779	210	902
1	183	786	220	945
2	242	1,040	289	1,244
3	308	1,323	365	1,570
4	363	1,560	432	1,859
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	319	1,373	348	1,496
1	358	1,539	395	1,698
2	461	1,981	508	2,185
3	586	2,520	644	2,767
4	720	3,094	789	3,393
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	232	997	261	1,120
1	256	1,103	293	1,262
2	313	1,348	361	1,552
3	450	1,934	507	2,181
4	539	2,316	608	2,615
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	264	1,134	292	1,257
1	293	1,261	330	1,420
2	360	1,547	407	1,751
3	481	2,069	539	2,316
4	524	2,251	593	2,550
<u>York/Kittery / S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	312	1,343	341	1,466
1	349	1,499	386	1,658
2	450	1,937	498	2,141
3	588	2,529	646	2,776
4	769	3,306	838	3,605

2025-2026 Electric Utility Maximums

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>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

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>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

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.

2025-2026 Heating Fuel Maximums

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

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.

2025-2026 Personal Care & Household Supplies Maximums

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00
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>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

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 54 cents (54 ¢) 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/>.

Funeral Maximums / Burial Maximums and Cremation Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,620**.

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.

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 **\$1,125**.

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:

Appendix H

Effective: 10/01/25-09/30/26

- 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 \$55
- 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 M.R.S. § 1043 (23))

23. Misconduct. “Misconduct” means a culpable breach of the 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 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.

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) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (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) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;

- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

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

- (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) 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 notification rules and policies; or
- (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.

[PL 2019, c. 125, §1 (AMD).]

*[For use when adopting a **new version of the GA ordinance or amending the body of the ordinance** – not solely adoption of updated appendices]*

MUNICIPALITY OF _____
GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of _____, after notice and hearing, hereby enact the attached General Assistance Ordinance with appendices in its entirety. This Ordinance shall supercede and replace all previous Ordinance versions. A copy of this Ordinance will be filed with the Maine Department of Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4), and shall be available for public inspection at the municipal office along with a copy of 22 M.R.S. chapter 1161.

Signed this _____ day of _____, 20____, by the municipal officers:

_____ (Print Name)	_____ (Signature)
_____ (Print Name)	_____ (Signature)
_____ (Print Name)	_____ (Signature)
_____ (Print Name)	_____ (Signature)
_____ (Print Name)	_____ (Signature)

[Send a copy of the enactment page and ordinance to DHHS, 109 Capitol Street, SHS 11, Augusta, ME 04330-0011]

Janet T. Mills
Governor

Sara Gagné-Holmes
Commissioner



Maine Department of Health and Human Services
Office for Family Independence
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel.: (207) 624-4168; Toll-Free: (800) 442-6003
TTY: Dial 711 (Maine Relay); Fax: (207) 287-3455

To: Welfare Officials and Contracted Agents
From: Sara Denson, Program Manager, General Assistance
Date: September 5, 2025
Subject: New GA Maximums for October 1, 2025

Enclosed please find the following items:

- MMA's updated **General Assistance Ordinance** (9/2024)
- MMA's new (October 1, 2025–September 30, 2026) “**General Assistance Ordinance Appendices**” (A – H).
- Recovery Residence Housing Maximums (October 1, 2025-September 30, 2026)
- “**GA Ordinance Adoption Form**” which was developed so that municipalities may easily send DHHS proof of the adoption of any updated or changed GA Ordinance. Once the selectpersons or council adopts the new ordinance, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

Updates

Please note that updates have been made to Appendix A (overall maximums), Appendix B (food maximums), and Appendix C (housing maximums) of the General Assistance Ordinance. There is also a new Recovery Residence Housing Maximums guide. You can find information about the MMA Model Ordinance on the Maine Welfare Director's Association (MWDA) website at www.mainewelfaredirectors.org.

Appendix A – C

The enclosed Appendices A – C have been revised for your municipality's General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendices A – C. Even if you are not updating your GA Ordinance, **the municipal officers must approve/adopt the new Appendices yearly.**

The Adoption Process

The **municipal officers (i.e., selectpersons/council)** adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers conduct a **notice and hearing** prior to the adoption of the Ordinance and/or Appendices. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance and/or appendices either in its posted form or as amended in light of public discussion.

Municipalities May Establish Their Own Maximums

Municipalities may establish their own maximum levels of assistance provided that the proposed levels of assistance are reasonable and meet adequate standards sufficient to maintain the health and safety of applicants in the municipality. The municipality must submit to the Department documentation to justify these levels of assistance and verify that the figures developed are appropriate to maintain health and decency.

A municipality's maximum assistance level for food may not be below the Department provided figures which are issued by the USDA and published annually following a study of cost of food for various family sizes. A market basket survey may be used to establish food maximums if the maximums provided by the USDA are insufficient to maintain health in the municipality. (C.M.R. 10-144, Chapter 323, Section V).

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted, should that ordinance differ from the MMA Model. Any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that your Municipal Officers have adopted the current MMA Model GA maximums and/or ordinance. If you are not making changes to your adopted ordinance, you are only required to submit verification that the new Appendices have been adopted.



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

FEMA Reimbursements and State Paving Funds

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

In the Fiscal Year 2026 budget process the Town did not budget funds for local road paving.

Public Works is requesting that disaster reimbursement funds received in 2025, as well as State paving reimbursement funds above our anticipated revenue projections last spring, be allocated to a roadway paving capital account. This will allow the Town to continue proper pavement management practices, as well as comply with the use of the State paving funds that we report back to the State on each year.

Exhibit: Council Memo - Funding Transfer Request - FEMA and LRAP - 10-2-25

Draft Motion: ORDERED, the Cape Elizabeth Town Council authorizes the FY 2025 FEMA disaster reimbursement funds, and unanticipated additional revenues from the State LRAP program, be allocated to a capital paving account, for local road paving in FY 2026.

**TOWN OF CAPE ELIZABETH
PUBLIC WORKS DEPARTMENT**

10 Cooper Drive
Cape Elizabeth, ME 04107



Jay Reynolds
Public Works Director
(207) 799-4151
Fax: (207) 799-4426
jay.reynolds@capeelizabeth.org

To: Patrick Fox, Town Manager
CC: Kristie Bradbury, Finance Director
From: Jay Reynolds, Director of Public Works 
Date: October 2, 2025
Re: Request to transfer new/unanticipated revenues to the Roadway Paving CIP account

The January 10th and January 13th 2024 storms resulted in several costly roadway repairs. At that time, the former Town Manager authorized the use of the 'Paving and Roadway Improvements' CIP account to pay for the repairs needed. Over the last year, I have been successful in receiving reimbursements for these expenses from FEMA. Reimbursements from FEMA total \$185,512.83.

The second revenue source is with regards to our annual reimbursement from the State of Maine. The 'Local Road Assistance Program', or LRAP, provides an annual revenue that is to be used on roadway improvements. In this fiscal year ('26), the annual revenue was estimated during budget season at \$98,000.00. The Maine legislature appropriated additional funds to this program, and as such, Cape Elizabeth's FY'26 revenue totals \$144,528.00.

An important note regarding these LRAP funds: The Town is required to spend this money towards roadway improvements. If this Town does not do so, this would jeopardize future LRAP funding. Also of importance, is that the Town did not fund the 'Paving and Roadway Improvements' CIP in FY'26, due to other funding priorities.

Reallocating these additional unanticipated funds would help restore the Town's paving and roadway maintenance program, as well as secure future LRAP funds.

Below is an outline of the requested funding adjustments:

<u>Amounts (\$)</u>	<u>Detail and Proposed Interfund Transfers</u>	<u>Account Info</u>
\$185,512.83	Federal Revenues (FEMA), from FY'25 and FY'26 Revenue Account: 1025050-01852	CIP: 20004005-4500A: Paving and Roadway Improvements
\$46,528.00	Additional LRAP Funds Revenue Account: 1025060-01958	CIP: 20004005-4500A: Paving and Roadway Improvements

Thank you for consideration of these budgetary adjustments.



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

Employment Agreement with Public Works Bargaining Unit

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

Over the past several months, the Town negotiated contract terms for the period of July 2025 to July 2028 with representatives of the Public Works bargaining unit. On October 6th members of the Public Works unit voted to accept the draft agreement. The attached agreement sets the terms related to hours of work, working conditions, wages and other terms and conditions of employment with the Town.

Exhibit: 2025-2028 Public Works Union Contract draft - for Council approval, PWD Wage Scale Union Contract 2025-2027 September 2025

Draft Motion: ORDERED, the Cape Elizabeth Town Council authorizes the Town Manager to enter into agreement with the Public Works Bargaining Unit for a three-year contract.

Agreement

Between

Teamster Local Union No. 340

And

Cape Elizabeth

For the

Public Works Department



July 1, 2025 to June 30, 2028

**Agreement Between the Town of Cape Elizabeth, Maine and Teamsters
Union Local # 340 Representing the Cape Elizabeth Public Works
Department July 1, 2025-June 30, 2028**

Preamble

Article 1	Recognition
Article 2	Membership in the Local Union
Article 3	Management Rights
Article 4	Dues and Fee Deduction
Article 5	Identification Fees
Article 6	Access to Premises
Article 7	Grievance Procedure
Article 8	Stewards
Article 9	Union Activities
Article 10	Personnel Files
Article 11	Maintenance Standards
Article 12	Separability and Savings Clause
Article 13	Injured on Duty
Article 14	Non Discrimination
Article 15	Defective Equipment
Article 16	Supervisory and Reserve Personnel
Article 17	Disciplinary Proceedings
Article 18	Discharge or Suspension
Article 19	Bulletin Boards
Article 20	Seniority
Article 21	Lie Detector Tests
Article 22	Examinations
Article 23	Complaints
Article 24	Hours of Work and Overtime
Article 25	Wages
Article 26	Call In Pay
Article 27	Work Breaks
Article 27	Allowances
Article 28	Vacation and Family Leave
Article 29	Holidays
Article 30	Sick Leave
Article 31	Special Leave
Article 32	Leave of Absence
Article 33	Military Leave
Article 34	Health Insurance
Article 35	Retirement
Article 36	Term of Agreement

Preamble

Pursuant to the provisions of the Municipal Public Employees Labor Relations Act (Title 26 M.R.S.A., 961 through 974, as amended), the parties hereto have entered into this agreement in order to establish mutual rights, preserve proper employee morale and to promote effective and efficient operations.

Article 1 Recognition

The employer recognizes the Union as the sole and exclusive bargaining agent for the purpose of negotiating salaries, wages, hours, and other conditions of employment for all its eligible employees, (including year round part time employees working an average of 20 hours or more per week on a regular schedule) within the bargaining unit, as determined in accordance with the Municipal Public Employees Labor Relations Act.

Article 2 Membership in the Local Union

- a. All employees shall have the right to join the union or refrain from doing so except as otherwise provided herein. No employees shall be favored or discriminated against either by the Town or by the Union because of membership or non-membership in the Union. The Union recognizes its responsibilities as bargaining agent and agrees to represent all employees in the bargaining unit without discrimination, interference, restraint or coercion.
- b. All employees who are currently in the bargaining unit or who enter into the bargaining unit subsequent to the effective date of this agreement, shall during the term of this agreement be required to pay the Union amounts equal to eighty (80%) per cent of the Union's regular periodic dues. The obligation to pay such amounts shall begin on the first day of the month next following the thirteenth calendar day after achieving bargaining unit status or the first day of the month next following the thirteenth calendar day after the effective day of this agreement whichever is later.
- c. All employees in titles covered by this agreement shall be informed by the Town at the time of hire of the existence of this agreement and the obligation of employees after entering the bargaining unit to either join the Union and pay the initiation fees and regular periodic dues or pay to the Union amounts equal to the Union's regular periodic dues. The Town shall promptly notify the Union of the name and address of each employee who enters the bargaining unit.
- d. In the event this provision for Union security shall be declared to be invalid by any tribunal of competent jurisdiction, the Union shall indemnify and hold harmless the Town for any and all damages restitution of amounts paid hereunder

Article 3

Management Rights

Except as otherwise clearly and expressly limited by a specific term of this Agreement, the Town hereby has and retains all of its rights, powers, authority, discretion and prerogatives and the sole and exclusive right to manage and direct its operations and its employees. This includes the right to plan, direct and control department activities, to schedule and assign work to employees, to determine means, methods, procedures and equipment to maintain efficiencies within the department, to determine the staffing of jobs, and to establish and require observance of reasonable rules and regulations not inconsistent with this Agreement.

The Union acknowledges the right of the Town to make such rules and regulations governing the conduct of its employees as are not specifically inconsistent with the terms of this Agreement. Two copies of any rules and regulations governing the conduct of its employees in the bargaining unit will be furnished to the Union Steward.

Article 4

Dues and Fee Deduction

Section 1 - Dues

- A. The employer shall deduct regular monthly dues and fees upon receipt of a signed authorization from each employee (a copy of which is to be retained by the employer) and a certified statement from the Secretary-Treasurer of the Local Union as to the amount for dues and fees. Such authorization shall be for the life of this agreement and shall be continued thereafter, if an agreement exists between the employer and the Union, unless an employee notifies the Union in writing, no more than twenty (20) days and no less than ten (10) days before the expiration of the agreement, of his desire to revoke his authorization for check off.
- B. The employer shall forward all such dues and fees so collected to the Secretary- Treasurer of the Local Union before the tenth day of the month following the month in which deductions are made.
- C. Delinquent Dues. Upon notification by the Union of delinquent dues or fees, the employer shall deduct for delinquent dues or fees in addition to deduction for regular dues or fees.
- D. The Union shall indemnify and save the employer harmless against all claims and suits which may arise by reason of any action taken in making deductions of said dues and fees and remitting the same to the Union pursuant to this Article.

Article 5

Identification Fees

Should the employer find it necessary to require employees to carry or record full personnel identification, such requirement shall be complied with by the employees. The cost of such personnel identification shall be borne by the employer. Any time spent off duty in pursuit of required personnel identification shall be compensated for at applicable rates of pay.

Article 6

Access to Premises

Authorized agents of the Union shall have access to the employer's establishment during working hours for the purpose of adjusting disputes, investigating working conditions, collection of dues, and ascertaining that the agreement is being adhered to, provided, however, that there are no interruptions of the employer's working schedule.

Article 7

Grievance Procedure

Section 1

A grievance is hereby jointly defined to be a controversy, complaint, misunderstanding, or dispute upon the application of the specific terms of this contract. Any grievance arising between the employer and the Union or an employee represented by the Union shall be settled in the following manner.

Step 1. The aggrieved employee(s) must present the grievance to the steward or the alternate within ten (10) working days after first knowledge of the grievance or the reason for the grievance has occurred, except no time limit shall apply in a case of violations of the salary scale provisions of this agreement. The steward or alternate shall take up the grievance with the department head. If the steward and the department head have not resolved the grievance within five (5) working days after the meeting, the steward shall submit the grievance to the Business Agent of Local #340.

Step 2. The Union representative may then take the matter up with the Town Manager or his/her designee. Within five (5) working days after said meeting, the Town Manager shall render a decision of the grievance in writing and forward a copy to all parties involved. An extension of time may be mutually agreed upon in writing and shall not be unreasonably withheld.

Step 3. In the event the decision of the Town Manager as rendered pursuant to Step 2 hereof is not acceptable to the Union, the Union may, within ten (10) working days, refer the matter to arbitration.

Section 2. The parties shall select a mutually agreeable and impartial arbitrator within ten (10) days after disagreement. In the event they are unable to so agree, the matter shall be referred to the Maine Board of Arbitration and Conciliation Services. The expense of the arbitrator selected or appointed shall be borne equally by the employer and the Union.

Section 3. The arbitrator shall not have the authority to amend or modify this agreement or establish new terms or conditions under this agreement. The Arbitrator may determine any question of arbitrability consistent with applicable law, and may determine a remedy that is just, and consistent with applicable law and this agreement.

Section 4. Both parties agree to accept the decision of the arbitrator as final and binding. If the employer fails to comply with the award of the arbitrator or with the procedures of this article, the union has right to take all legal action to enforce compliance.

Article 8 Stewards

Section 1. The employer recognizes the right of the Union to designate a Steward or an Alternate. The authority of Stewards and Alternates so designated by the Union shall be limited to, and shall not exceed, the following duties and activities.

- A. The investigation and presentation of grievances in accordance with the provisions of the collective bargaining agreement.
- B. The collection of dues when authorized by appropriate Local Union action.
- C. The transmission of such messages and information which shall originate with and are authorized by the Local Union or its officers, provided such messages and information:
 - 1. Have been reduced to writing; or,
 - 2. If not reduced to writing and are of a routine nature.

Section 2. Stewards shall be permitted to investigate, present and process grievances without loss of time or pay for up to two hours per week. Such time spent in handling grievances shall be considered working hours in computing daily and or weekly overtime.

Section 3. Stewards shall be allowed sufficient time off without loss of time or pay, to represent the Union in all negotiations with the employer concerning collective bargaining.

Section 4. Stewards shall be allowed the use of the department's photocopiers for materials for negotiations and for such other copying that may be authorized by the Director of Public Works.

Article 9 Union Activities

Section 1. Time off for Union Activities

The employer agrees to grant the necessary time off, without discrimination or loss of seniority rights and without pay, to any employee designated by the Union to attend a labor convention provided that there is two-week notice of any union convention. Due consideration shall be given to the number of personnel affected in order that there shall be no disruptions of employer's operations due to lack of available employees.

Section 2. No Discrimination Because of Union Activities

Any employee member of the Union acting in an official capacity whatsoever shall not be discriminated against for his acts as such officers of the Union so long as such acts do not interfere with the conduct of the employer's business, nor shall there be discrimination against any employee because of Union membership or activities.

Article 10

Personnel Files

Insofar as permitted by law, all personnel records, including home addresses, telephone numbers, and pictures of members shall be confidential and shall not be released to any person other than officials of the department and other municipal officials.

Upon request, a member shall have the right to inspect his official personnel record. Inspection shall be during regular business hours and shall be conducted under supervision of the Employer. A member shall have the right to have added to his personnel file a written refutation of any material which he considers detrimental. The employer shall at the time of each year's annual evaluation review with the employee the content of his/her personnel file.

No written reprimand shall be placed in a member's personnel file unless the member is first given the opportunity to see a copy of the reprimand. Within five (5) days thereafter, the member may file a written reply. If the Employer thereafter places the written reprimand in the member's personnel file, he shall also include the reply.

Article 11

Maintenance of Standards

Section 1. (Protection of Conditions) The Employer agrees that all conditions of employment relating to wages, hours of work, overtime differentials and general working conditions shall be maintained at not less than the highest standards in effect at the time of the signing of this Agreement, however the conditions of employment shall be adjusted wherever specific provisions are made elsewhere in this Agreement. This provision does not give the Employer the right to impose or continue wages, hours and working conditions less than those contained in this Agreement, unless specifically agreed to by both parties.

Section 2. (Extra Contract Agreements) The Employer agrees not to enter into any agreement or contract with bargaining unit employees, individually or collectively, which in any way conflicts with the terms and provisions of this Agreement. Any such agreement shall be null and void.

Section 3. (Work Reduction) It is understood and agreed that, should it subsequently be determined that any employee comes under the provisions of the Fair Labor Standards Act or any similar legislation, then as to such employees, any provisions of this Agreement that do not comply with the requirements of said statutes are to be changed so that there is not violation of the statutes. If such changes result in substantial penalties to either the employees or the Employer, a written notice shall be sent by either party requesting negotiations to change such provisions or provision as are affected. Thereafter, the Union and the Employer shall enter into immediate negotiations for the purpose of arriving at a mutually satisfactory solution.

Article 12

Separability and Savings Clause

In the event that any provision herein is found by any court in competent jurisdiction to be invalid, all other valid provisions shall remain in effect.

In the event that any Article or Section is held invalid or enforcement of or compliance with which had been restrained, as above set forth, the parties affected thereby shall enter into immediate collective bargaining negotiations after receipt of written notice of the desired amendments by either Employer or Union for the purpose of arriving at a mutually satisfactory replacement for such Article or Section during the period of invalidity or restraint. There shall be no limitations of time for such written notice. If the parties do not agree on a mutually satisfactory replacement within sixty (60) days after receipt of the stated written notice, either party shall be permitted to pursue impasse proceedings in support of its demands notwithstanding any provisions of this Agreement to the contrary.

Article 13

Injured on Duty

The Town of Cape Elizabeth provides Workers' Compensation Insurance Coverage for all employees. Any employee who sustains a personal injury or compensable illness arising out of and in the course of employment shall be paid during each week of total incapacity to work resulting from the injury an amount sufficient, when added to the weekly payment of Workers' Compensation paid with the laws of the State, to equal regular salary or normal wage. Such additional payments shall not be continued beyond 8 weeks except upon approval by the Town Manager. No additional payments shall be made in any instance when, in the opinion of the Director of Public Works and Town Manager, the accident occurred as a result of intoxication, violation of rules and regulations on the part of the employee, or while the employee was in the employ of any other person, firm, entity or corporation.

Article 14

Non-Discrimination

Section 1. The Employer and the Union agree not to discriminate against or harass any individual with respect to hiring, compensation, or terms or conditions of employment because of such individual's race, color, religion, sex, sexual orientation, national orientation, age, disability, military status or veteran status nor will they limit, segregate or classify employees in any way to deprive any individual employee of employment opportunities based on a protected status.

Section 2. The Employer and the Union agree that there will be no discrimination by the Employer or the Union against any employee because of any employee's lawful activity and/or support of the Union.

Section 3. The use of the male or female gender or nouns or pronouns is not intended to describe any specific employee or group of employees but is intended to refer to all employees in job classifications, regardless of sex.

Article 15

Defective Equipment

The Employer shall not require employees to take out on the streets or highways any vehicle that is not in safe operating condition or equipped with the safety appliances prescribed by law. It shall not be a violation of this Agreement when employees refuse to operate such equipment unless such refusal is unjustified.

The Employer shall not ask or require any employee to take out equipment that has been reported by any other employee as being in an unsafe operating condition, until same has been approved as being safe by a holder of a Maine Motor Vehicle Inspection License who may or may not be a member of the bargaining unit.

Article 16

Supervisory and Reserve Personnel

All employees with supervisory authority shall have the right to investigate emergencies and determine if unit members are required to perform tasks that would involve the utilization of rolling stock (i.e., heavy trucks, loaders, jet rodding equipment, etc.). An employee with supervisory authority (or reserve personnel) shall not operate rolling stock in an overtime situation unless there are no unit members available to perform the assignment or, in an emergency situation, when no unit members are available to work the assignment. Nothing in this paragraph shall be construed as prohibiting the Town from calling in additional reserve personnel during an emergency after all unit members are working or have been called into work. Nothing in this paragraph limits or prohibits the Town's ability or right to hire seasonal employees. Nothing in this paragraph should be construed to limit or prohibit the Town from calling in reserves consistent with past practice.

Article 17

Disciplinary Proceedings

Any member charged with a violation of department rules and regulations, incompetence, misconduct, negligence, insubordination, disloyalty or other serious disciplinary infraction may request a hearing provided such request is made in writing and delivered to the department head no later than five (5) days after the member is advised of the charge against him. No member shall be dismissed without first given notice and an opportunity for a hearing whether he requested it or not. In the case of a member who has been suspended, the hearing shall, if requested by the member, be held no more than five (5) days after the date when the suspension began.

The member shall be informed of the exact nature of the charge and shall be given reasonable notice of the hearing date and time to allow him an opportunity to consult legal counsel, conduct an investigation, and prepare a defense which time shall not exceed five (5) business days. The stewards and the employee shall have the right to review before any disciplinary action any video surveillance footage that it to be utilized as part of any disciplinary action. The hearing, which shall be before the department head, or in his absence or incapacity the acting department head, shall be informal in nature. The member may be accompanied and represented by legal counsel or a representative of the Union or Steward. The members shall have the right to confer with his representative at any time during the hearing and shall have the right to have his representative speak on his behalf. Any disciplinary action taken against a member shall be subject to the grievance procedure.

Article 18 Discipline

Section 1. The Employer shall not discipline any employee without just cause. In all cases involving the discharge or suspension of an employee, the Employer must immediately notify the employee in writing of his discharge or suspension and the reason therefore. Such written notice shall also be given to the Shop Steward and a copy mailed to the Local Union office, within one (1) working day from the time of the discharge or suspension.

Section 2 Employees shall have the right to grieve any disciplinary action in accordance with the grievance procedure as set forth in Article 7.

Article 19 Bulletin Boards

The Employer agrees to provide suitable space for and maintain a bulletin board in each permanent work location. The Union shall limit its use of the bulletin board to official union business.

Article 20 Seniority

Section 1. A seniority list, by classification, shall be established naming all the employees covered by this Agreement, with the employee with the greatest seniority (years of service) listed first. Seniority shall be based upon the employee's last date of permanent hire. Seniority, for the purpose of this Agreement, shall be a major factor in all matters affecting layoff, recall, vacation preference and shift preference.

Section 2. All new employees shall serve a six (6) month probationary period starting with his/her first day of employment and will be added to the seniority list at the end of said six-month probationary period.

Section 3. In the event it becomes necessary for the Employer to layoff Public Works employees for any reason, employees covered by this Agreement shall be laid off in the inverse order of their seniority within the Department of Public Works, by classification with bumping rights within the Department of Public Works in those instances where the employee is qualified for the position to be continued. All affected employees shall receive a two (2) calendar week advance notice of layoff, and the Employer shall meet with the affected employees prior to the actual occurrence of layoff. Employees shall be recalled from layoff according to their seniority. No new employees shall be hired for a position covered by this Agreement until all employees within the Department on layoff status have been afforded recall notices.

Section 4. The seniority list shall be brought up to date on January 1st of every year and immediately posted thereafter on bulletin boards for a period of not less than thirty (30) days, and a copy of same shall be sent to the Union and the Steward. Any objections to the seniority list, as posted, must be reported to the Employer within ten (10) days from the date posted or it shall stand as accepted.

Section 5. All permanent job openings and/or vacancies shall be posted by the Employer for bid upon management's decision to advertise the position for hiring. Positions that offer lateral or elevated classifications will be posted internally for existing employees to be considered first. This provision shall also apply to temporary job openings that are likely to last thirty (30) or more calendar days.

Seniority is defined as continuous service with the department from the date of permanent hire. Seniority shall not be invoked to move from shift to shift if there are no job openings, with the exception that when, employees are displaced by the elimination of jobs through job consolidation, installation of new equipment or machinery, curtailment or replacement of existing facilities or for other reasons, they shall be permitted to exercise their seniority right to transfer to any other position within the department. In

the case of displacement under the above referenced circumstances, such employees transferred as a result shall be given a limited amount of training at a minimum expense to the employer with such training designed to allow them to avoid layoffs.

Article 21 Lie Detector Test

The Employer shall not require an employee to take a polygraph or any other form of lie detector test.

Article 22 Examinations

Physical or other examinations required of current employees by a government body or the Employer shall be promptly complied with by all employees, provided, however, the Employer shall pay for all such examinations. The Employer shall be responsible to employees only for time spent at the place of examination or examinations.

Article 23 Complaints

Section 1. Any citizen complaint against any regular employee which will result in a detrimental entry in the personnel file of that employee shall be presented in writing and signed by the complainant and before disciplinary action is taken or an entry in the personnel file is made, there shall be a meeting of the employee involved, a representative of Local 340 and the Director of Public Works.

Article 24 Hours of Work and Overtime

Section 1. The regular work week for all Public Works employees shall be forty (40) hours in four (4) consecutive days Monday through Thursday inclusive. All hours worked in excess of 40 hours per week or ten hours per day will be paid at 1½ times the base hourly rate; except that employees regularly assigned to work at the Recycling Center shall continue to have a regular work week extending into Saturday and will receive overtime only after 40 hours.

Section 2. Regular, permanent full-time employees of the Public Works department will be given the opportunity to any extra work that may develop outside of the regular schedule references above. Overtime opportunities will be awarded in keeping with the rotational seniority system in place in the Public Works Department at the time of the signing of this contract. Nothing in this paragraph limits or prohibits the Town's ability or right to hire seasonal employees. Nothing in this paragraph should be construed to limit or prohibit the Town from calling in reserves consistent with past practice.

Section 3. Employees may at their option after working overtime carry up to 100 hours per year in compensatory time beyond the pay period. subject to the limit on carry over of compensatory time for work during Town Hall closures under Section 4 below. Any unused compensatory time may be converted to cash (at the rate that it was earned) at the option of the employee at any time, subject to Section 4 below.

Section 4. Employees covered by this Agreement shall receive compensatory time off for any special holiday time specifically voted upon by the Cape Elizabeth Town Council, or by designation of the President of the United States, upon such conditions that all other regular employees receive such time off. When Town Hall closes and Public Works employees remain at work, employees shall receive compensatory time on an hour-for-hour basis. Compensatory time earned for work during Town Hall closures may not be converted to cash and will lapse if not used by June 30 of the year in which it has been earned. Compensatory time accrued for work during Town Hall closures that has not lapsed may be

paid out at the earned rate to an employee who leaves employment in good standing. Employees who accrue Compensatory time for work during Town Hall closures shall use this Town Hall Closure compensatory time first before utilizing other accrued compensatory time.

Article 25

Wages

Wages are paid bi-weekly and all payroll is paid by direct deposit.

Section 1: Wage Scale. The wage scale will be increased by 3.5% effective July 1, 2025; 3% effective July 1, 2026; and 5% effective July 1, 2027.

Section 2: Longevity. Longevity steps will be added as follows: effective July 1, 2018, 1% increase after 15th anniversary; effective January 1, 2020, 1% increase after 20th anniversary.

Any position that requires a CDL (or to obtain a CDL within 6 months of hire), that do not possess a valid commercial driver's license (CDL) shall be paid \$1.00 per hour less than the base wage for the applicable position.

Wage Scale to be found as Attachment A

Article 26

Call in Pay

Any regular permanent employee called and reports to work outside of and not annexed to their regularly scheduled work shift shall be paid a minimum of four hours at a rate of time and one-half.

If an employee is required to have a pager during any weekly pay period in order to be available for an emergency call to work, the employee shall receive additional pay at the rate of a minimum call (4 hours), subject to the following. A mechanic who is required to have a pager shall receive additional pay at the rate of 4 hour minimum call during any weekly pay period during the winter call-out program, and at the rate of 2 hours during weeks outside of the winter call-out program. The garage foreman is entitled to additional pay at the rate of two hours when he is required to have a pager. If the employee is called in by pager and does not respond, there shall be no minimum call in pay for that week.

When conditions or work load necessitates, any employee may be asked to perform work in a higher classification. Employees who are asked and agree to work in a higher pay classification for at least four (4) hours in a work day will receive an additional \$2.00 per hour, for the entire day.

Article 27

Work Breaks

All employees are entitled to one (1) break, not to exceed 15 minutes during a four hour period. The break shall be taken on the job site, (if required by the Foreman) or at the Parks Maintenance Building, Recycling Center , Public Works Facility, Cape Cottage Fire Station or the Town Center Fire Station. The facility closest to the job site should be utilized to reduce travel time.

Article 27 (A)

Allowances

A. Tool and Protective Equipment allowances.

Mechanics shall be reimbursed up to \$500.00 a year for any lost or damaged tools or for tools purchased for work related purposes. An invoice must be provided to show proof of purchase.

ANSI-certified safety shoes are required for all employees covered by this contract. A safety and protective clothing allowance (not to exceed) \$650.00 per year, per employee. This amount can be put towards safety shoes, safety glasses, or other safety equipment and protective clothing approved by the Public Works Director. Employees will be reimbursed semi-annually for one-half, or \$325.00, of the allowance. Semi-annual reimbursements shall occur within the same fiscal year in September and March.

B. Licenses and Certifications

All certifications, designations, licenses and endorsements shall remain valid and in effect, with no lapse or break, in order to qualify for the allowances below.

A mechanic who holds an ASE certification for cars and/or heavy equipment shall receive an hourly allowance of \$.06 for each such certification. In addition, each mechanic who receives his/her Master ASE certification shall receive an hourly allowance of \$.14 for each such Master Certification.

An employee who has earned the designation of "certified transfer station attendant" shall receive an hourly allowance of \$.26 provided the certification is maintained.

Any employee holding a valid CDL, Class "A" license, who utilizes it in the course of their assignments with the Town, shall receive an hourly allowance of \$.40. An employee holding a CDL tank endorsement who utilizes it in the course of their assignments with the Town shall receive an hourly allowance of \$.25.

Any employee who has earned certification as a "Commercial Applicator Master" as designated by the Maine Department of Agriculture Board of Pesticide Control shall receive an hourly allowance of \$.90. In addition, each employee who completes one or more certifications shall receive an hourly allowance of \$.28 for each certification.

Any employee which the "Roads Scholar" workshop from the Maine Department of Transportation is applicable to their job duties shall be entitled to an hourly allowance of \$.0.10 per hour included in their wages Upon completion of the full "Roads Scholar program," an employee shall receive a one-time \$750 lump sum payment and the hourly stipend shall continue thereafter during the tenure of employment with the Town.

C. Cell Phone allowance

The cell phone stipend for the Parks Foreman and Lead Equipment Operator will be continued at its current rate. The telephone arrangement for the Lead Transfer Station Attendant will be continued at its current rate. The Town will use Town-owned communication devices for communications with all other Public Works employees. If the Town updates its Town-wide policy regarding cell phone allowances/stipends, union employees will also be eligible for any future allowances/stipends.

Article 28
Vacations and Family Leave

Section 1. Each regular, permanent employee shall receive vacation with pay subject to scheduling by the Director of Public Works in accordance with the following:

Vacation is earned from the first day of employment for employees of permanent standing. No vacation may be taken during the first one hundred twenty (120) days of employment.

The following vacation accumulation rates shall be in place from the effective date of this contract.

	Per Wk. Hours	Per Yr. Days
Date of Hire to the 5th Anniversary of Date of Hire	1.84	12
5th Anniversary of Date of Hire to 14th Anniversary	2.61	17
14th Anniversary of Date of Hire to 19th Anniversary	3.38	22
19th Anniversary of Date of Hire to Separation	3.70	24

Vacation time may be granted only for time already accumulated. Vacation time cannot be given to another employee.

If a holiday falls within a vacation period, it shall not be treated as a vacation day.

Unless for an emergency, illness or other sudden necessity, all requests to take vacation leave shall be submitted to the Director of Public Works as far in advance as possible and shall be subject to approval of the Director. In the case of an emergency, illness or other sudden necessity, employees must make a good faith effort to provide as much notice as is practicable under the circumstances. Vacation may be used for any reason, including unscheduled emergencies. Vacation shall not be unreasonably withheld or unreasonably denied. If a request is denied, reasons must be provided in writing to the employee upon request.

The parties agree that the first forty (40) hours of vacation used each year satisfies the Maine Earned Paid Leave (MEPL) statute and acknowledge that the accrual rates for vacation in this Agreement exceed the requirements of the MEPL statute.

An employee may utilize vacation time if sick leave has become depleted. If an employee becomes sick while on vacation, the Town reserves the right, but has no obligation, to offer the employee the option of charging the previously scheduled vacation time to sick time.

At the end of each calendar year, an employee can carry over to the next year accumulated vacation time not to exceed ten days. The Director of Public Works and the Town Manager shall approve any extension beyond this amount. As the Town believes it is in the best interest of both the Town and employees for vacation time to be taken each year, no extension may be granted by the Director of Public Works and the Town Manager unless a specific use of the additional accumulated time has been identified.

Vacation time shall not accumulate after an employee has been absent due to a Workers' Compensation injury after the lapsing of one (1) year from the first date of absence. Accrued vacation leave shall be paid to a permanent employee in good standing upon separation from the service or to a beneficiary or estate upon death.

(a) Family Leave. The Town complies with the Federal and Maine Family and Medical Leave Acts as may be amended from time to time. Covered employees are those individuals who have at least twelve months service with the Town and who have

worked at least 1,250 hours of service during the 12-month period immediately preceding commencement of the leave or who meet the coverage requirements of the Maine Family and Medical Leave Act.

1. Beginning with the first paycheck issued to employees in July 2025, the Town agrees to pay fifty percent (50%) of the cost of the premium associated with the MPFL Program. Employees will pay fifty percent (50%) of the premium cost. Employees shall have their share of the premium deducted from their wages.
2. Nothing herein shall prevent the Town from exploring a private plan option to meet the obligations under MPFL. If the Board chooses to pursue a private plan, the Board will notify the Association.

Note: Both parties agree to reopen the contract on the limited basis of PFML once final policies have been determined, and further agree to work in good faith to coordinate any applicable leave benefits under this law with existing contractual leave provisions to avoid duplication and ensure employees receive the benefit to which they are entitled.

(b) Rights and Requirements. Family medical leave may be taken to care for an employee's child after birth, adoption or foster care, to care for an employee's spouse, son or daughter, or parent who has a serious health condition, or for a serious health condition that makes the employee unable to perform his job.

The Town may require medical certification to support a request for leave because of a serious health condition. Up to 12 weeks of unpaid family medical leave is permitted in a rolling year. The employee must provide 30 days advance notice when a leave is foreseeable. An employee may utilize accumulated sick leave and vacation time as a substitute for unpaid family medical leave. During any family medical leave absence, the Town shall continue health insurance in the same manner as is provided for other qualified employees. The use of family medical leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Sick leave and vacation time will not accrue during an unpaid family medical leave. Upon return from family medical leave, an employee shall be restored to his same or equivalent position.

Article 29

Holidays

New Year's Day

Martin Luther King Day

President's Day

Patriot's Day

Memorial Day

Juneteenth (June 19th)

Independence Day

Labor Day

Indigenous Peoples' Day

Veterans' Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Half-Day Holiday for Christmas Eve Day

Half-Day Holiday for New Year's Eve Day

Section 1. All regular permanent employees shall receive one day's pay for each of the holidays listed above on which they perform no work. One day of pay is equivalent to ten (10) hours. If a holiday falls during an employee's scheduled vacation the employee will receive an extra day's pay or an extra

day off at the employee's option to be taken at a mutually convenient time for both employer and employee.

Employees required to work on a holiday will receive time and one half for all hours worked in addition to regular pay, except that employees who are required to work during any portion of the 24-hour periods consisting of New Year's Day, Independence Day, Thanksgiving Day and Christmas Day shall receive double time in addition to regular pay.

An employee who is scheduled to work on a holiday and who calls in sick will receive sick pay for the scheduled day but will not receive holiday pay.

If the Town Council grants Town Hall employees any additional holidays or half holidays, the same shall be given to members of the bargaining unit. This shall not apply to early releases due to weather conditions or building conditions.

Article 30 Sick Leave

Section 1. Sick Leave shall accrue to regular, permanent employees at the rate of one (1) day for each calendar month of service cumulative to a maximum of one-hundred five (105) days. One (1) day is equivalent to ten (10) hours. Part-time employees who work a regular weekly schedule of 15 or more hours per week on a year-round basis shall receive sick time on a pro rata basis based on a forty-hour work week. Sick leave may be used only in the following cases:

Personal illness or physical incapacity of such a degree as to render an employee unable to perform the duties of the position.

An employee who calls out sick and has less than the number of sick leave hours accrued to cover the call-out period will receive sick leave up to the number of accrued sick leave hours and will be on unpaid leave for the balance of the period of the call-out. In this circumstance vacation leave or compensatory time may not be used for a sick leave call-out, except with express approval by the Director or his designee. This paragraph applies only to short-term sick leave call-out and does not apply to sick leave that has been pre-scheduled or pre-approved. Attendance upon members of the family within the household of the employee when their illness requires care by such employee, not to exceed three (3) days for any one such illness unless otherwise extended by the Director of Public Works.

If requested by the Director of Public Works, the employee shall furnish Director a certificate from an attending physician indicating the need for employee absence at the expense of the Town.

Section 2. Any unused sick leave at the time of separation in good standing shall be paid out as follows:

Employees with 10+ years of Service	33% of First 105 days of Accumulated Sick Leave
Employees with 15+ years of service	50% of First 105 days of Accumulated Sick Leave

Article 31 Special Leave

Special leave with pay shall be granted as follows:

- (a) A regular, permanent employee shall be excused from work for up to five (5) days upon request as required due to death of a spouse, child, stepchild, parent or stepparent. It is intended that this time be used for the purpose of handling necessary arrangements and attendance at the funeral. No employee shall work at another job while on special leave.
- (b) A regular, permanent employee shall be excused from work due to the death of parents, brother, sister, brother-in-law, sister-in-law, grandparents, grandchildren, mother-in-law, father-in-law, step-parent or step-child, for up to three (3) days. It is intended that this time be used for the purpose of handling necessary arrangements and attendance at the funeral. No employee shall work at another job while on special leave.
- (c) Special leave, up to the maximum provided in this Article, may be taken over a period of one year from the date of death for the purposes established in (a) and (b).
- (d) Extension to special leave may be made by the department head upon request of the employee. Extensions may be of time and/or for other family members.

Article 32 Leave of Absence

Any employee desiring leave of absence from his employment shall secure written permission from the Director of Public Works or his designee, permission to be given at the Director's discretion. The Union shall be notified of the approved leave. The maximum leave of absence shall be for thirty (30) days and may be extended for like periods. During the period of absence, the employee shall not engage in gainful employment. Failure to comply with the provision shall result in the complete loss of seniority rights for the employee involved.

Article 33 Military Leave

Employees covered by this Agreement who are members of the organized Military Reserves of the United States or of this State and who are ordered by the appropriate authorities to attend a training period or perform other duties under the supervision of the United States or of this State, shall be granted Reserve Service Leave in addition to vacation, but not to exceed two weeks in any calendar year. For any such period of Reserve Service Leave, the Town will pay the employee the balance between service pay and the employee's regular compensation, the total equaling the regular pay of the employee had he been in the service of the Town during the period of leave, provided that the employee on Reserve Service Leave furnishes the Director of Public Works an official statement by military authorities giving the rank, pay and allowances. Leave to include leaving one day early, if necessary, to respond to military orders.

Article 34 Health Insurance

Section 1. The Town participates in the Maine Municipal Employees Health Trust (MMEHT) Comprehensive Plan. Employees have the option of choosing the MMEHT Comprehensive Point of Service Plan "Acadia" (formerly the POS C), and effective March 1, 2015 may also choose from among the MMEHT "Katahdin" (formerly the PPO 500) plan and the MMEHT "Pemaquid" (formerly the PPO 2500) plan. Single employees shall assume 10% of the cost of their health

insurance premium. Employees who have coverage other than single coverage shall assume 20% of the total premium. Any employee who chooses the MMEHT “Katahdin” (formerly the PPO 500) plan or the MMEHT “Pemaquid” (formerly the PPO 2500) plan will have established a Health Reimbursement Account which shall provide reimbursement of deductibles and co-pays for up to 70% of the applicable out of pocket maximum. The amount of the monthly premium paid by the employee shall not be included as part of the out-of-pocket expense.

Coverage will begin on the first day of the next month after employment begins provided the MMEHT has approved all required forms. The Town of Cape Elizabeth reserves the right to participate in a different medical insurance plan, with comparable or better benefits, costs and claims service. The Town also reserves the right to change the health insurance plans if mandated to do so by the federal or state governments. Upon leaving Town employment, federal COBRA requirements permit employees to continue on the Town policy at employee expense. MMEHT will notify departing employees of their options.

Any employee eligible for more than single coverage, but who opts for single coverage or no coverage, shall receive in lieu of coverage, \$120.00 in each two-week paycheck or if an employee elects for no coverage and is eligible for family coverage, then that employee shall receive \$250.00 in each two week paycheck in lieu of coverage. If an employee elects for employee and children coverage and is eligible for full family coverage, then that employee shall receive \$90.00 in each two week pay check in lieu of coverage. These in lieu of coverage payment provisions shall not apply to employees who receive coverage under a spouse/partner's plan provided through the Town of Cape Elizabeth or the Cape Elizabeth School Department. All payments shall be prorated for part time employees. Any employee who opts for no coverage must annually show that evidence of coverage elsewhere.

Section 2. Effective January 1, 1999, The Town offers members of the Union the right to participate in a Section 125 of the Internal Revenue Code Plan. Each year employees shall determine their level of participation based on allowable limits in federal statutes.

Article 35 Retirement

The Town will provide pension benefits through the Maine State Retirement System under the Town's consolidation plan for all employees enrolled in the plan prior to July 1, 1990. Participation in that plan and the attendant economic arrangements are governed by the rules and regulations of that plan.

For non-Maine State Retirement participants, the Town offers ICMA Retirement Corporation Section 401A Money Purchase Plan. The Town will match regular employee's contribution at nine ((9) percent of gross wages level with the employee contribution to be paid through payroll deductions. To receive a 9 per cent contribution, an employee must match the first eight (8) per cent.

For employees in the ICMA Retirement Corporation Section 401A Money Purchase Plan, the Town shall offer a disability plan with coverage similar to that provided by the Maine State Retirement System. The Town contribution for the plan shall be limited to 1% of the annual base salary of an employee. The employee shall pay any balance due through payroll deductions.

The Town shall continue to make available to employees the ICMA Retirement Corporation Section 457 Deferred Compensation Plan. The Town shall not make contributions and any fees assessed to participants are the responsibility of the employee. Employees are also responsible for their own investment option decisions.

Article 36
Term of Agreement

The provisions of this Agreement shall be effective from the date of signing and this Agreement shall govern the rights of the parties until June 30, 2028. It shall automatically be extended for successive one year periods thereafter unless either party shall give the other written notice of its desire to negotiate a new Agreement at least one hundred twenty (120) days prior to June 30th in the year 2028 or thereafter in which case negotiations shall begin no later than March 30th. If negotiations have commenced as provided above, but have not been resolved, this Agreement shall continue in force and effect until a successor agreement is executed. This Agreement to continue this contract shall include, but not be limited to, the use of the grievance article to process and arbitrate disputes arising either before or after the expiration of the stated contract term. Should negotiations extend beyond the expiration date, all monetary and economic conditions shall be maintained.

Dated this _____ Day of _____, 2025.

The Town of Cape Elizabeth

By: _____
Patrick Fox, Town Manager

Teamsters Local 340

By: _____
Brett Miller, President

By: _____
Ed Marzano, Business Agent

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
	Hourly	Hourly	Hourly
Equipment Operator			
Upon Employment	\$27.46	\$28.28	\$29.70
After 1st Anniversary	\$27.73	\$28.57	\$29.99
After 2nd Anniversary	\$28.01	\$28.85	\$30.29
After 3rd Anniversary	\$28.29	\$29.14	\$30.60
After 4th Anniversary	\$28.57	\$29.43	\$30.90
After 5th Anniversary	\$28.86	\$29.72	\$31.21
After 6th Anniversary	\$29.15	\$30.02	\$31.52
After 7th Anniversary	\$29.44	\$30.32	\$31.84
After 8th Anniversary	\$29.73	\$30.63	\$32.16
After 9th Anniversary	\$30.03	\$30.93	\$32.48
After 10th Anniversary	\$30.33	\$31.24	\$32.80
After 11th Anniversary	\$30.63	\$31.55	\$33.13
After 12th Anniversary	\$30.94	\$31.87	\$33.46
After 13th Anniversary	\$31.25	\$32.19	\$33.80
After 14th Anniversary	\$31.56	\$32.51	\$34.14
After 15th Anniversary	\$31.88	\$32.83	\$34.48
After 16th Anniversary	\$32.20	\$33.16	\$34.82
After 17th Anniversary	\$32.52	\$33.49	\$35.17
After 18th Anniversary	\$32.84	\$33.83	\$35.52
After 19th Anniversary	\$33.17	\$34.17	\$35.88
After 20th Anniversary	\$33.50	\$34.51	\$36.24

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
Lead Equipment Operator			
Upon Employment	\$29.21	\$30.08	\$31.59
After 1st Anniversary	\$29.50	\$30.38	\$31.90
After 2nd Anniversary	\$29.79	\$30.69	\$32.22
After 3rd Anniversary	\$30.09	\$31.00	\$32.55
After 4th Anniversary	\$30.39	\$31.31	\$32.87
After 5th Anniversary	\$30.70	\$31.62	\$33.20
After 6th Anniversary	\$31.00	\$31.93	\$33.53
After 7th Anniversary	\$31.31	\$32.25	\$33.87
After 8th Anniversary	\$31.63	\$32.58	\$34.21
After 9th Anniversary	\$31.94	\$32.90	\$34.55
After 10th Anniversary	\$32.26	\$33.23	\$34.89
After 11th Anniversary	\$32.59	\$33.56	\$35.24
After 12th Anniversary	\$32.91	\$33.90	\$35.59
After 13th Anniversary	\$33.24	\$34.24	\$35.95
After 14th Anniversary	\$33.57	\$34.58	\$36.31
After 15th Anniversary	\$33.91	\$34.93	\$36.67
After 16th Anniversary	\$34.25	\$35.28	\$37.04
After 17th Anniversary	\$34.59	\$35.63	\$37.41
After 18th Anniversary	\$34.94	\$35.98	\$37.78
After 19th Anniversary	\$35.29	\$36.34	\$38.16
After 20th Anniversary	\$35.64	\$36.71	\$38.54

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
Mechanic			
Upon Employment	\$30.48	\$31.40	\$32.96
After 1st Anniversary	\$30.79	\$31.71	\$33.29
After 2nd Anniversary	\$31.09	\$32.03	\$33.63
After 3rd Anniversary	\$31.40	\$32.35	\$33.96
After 4th Anniversary	\$31.72	\$32.67	\$34.30
After 5th Anniversary	\$32.04	\$33.00	\$34.65
After 6th Anniversary	\$32.36	\$33.33	\$34.99
After 7th Anniversary	\$32.68	\$33.66	\$35.34
After 8th Anniversary	\$33.01	\$34.00	\$35.70
After 9th Anniversary	\$33.34	\$34.34	\$36.05
After 10th Anniversary	\$33.67	\$34.68	\$36.41
After 11th Anniversary	\$34.01	\$35.03	\$36.78
After 12th Anniversary	\$34.35	\$35.38	\$37.15
After 13th Anniversary	\$34.69	\$35.73	\$37.52
After 14th Anniversary	\$35.04	\$36.09	\$37.89
After 15th Anniversary	\$35.39	\$36.45	\$38.27
After 16th Anniversary	\$35.74	\$36.81	\$38.65
After 17th Anniversary	\$36.10	\$37.18	\$39.04
After 18th Anniversary	\$36.46	\$37.55	\$39.43
After 19th Anniversary	\$36.82	\$37.93	\$39.83
After 20th Anniversary	\$37.19	\$38.31	\$40.22

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
Garage Foreman			
Upon Employment	\$33.24	\$34.24	\$35.95
After 1st Anniversary	\$33.58	\$34.58	\$36.31
After 2nd Anniversary	\$33.91	\$34.93	\$36.68
After 3rd Anniversary	\$34.25	\$35.28	\$37.04
After 4th Anniversary	\$34.59	\$35.63	\$37.41
After 5th Anniversary	\$34.94	\$35.99	\$37.79
After 6th Anniversary	\$35.29	\$36.35	\$38.17
After 7th Anniversary	\$35.64	\$36.71	\$38.55
After 8th Anniversary	\$36.00	\$37.08	\$38.93
After 9th Anniversary	\$36.36	\$37.45	\$39.32
After 10th Anniversary	\$36.72	\$37.82	\$39.72
After 11th Anniversary	\$37.09	\$38.20	\$40.11
After 12th Anniversary	\$37.46	\$38.58	\$40.51
After 13th Anniversary	\$37.84	\$38.97	\$40.92
After 14th Anniversary	\$38.21	\$39.36	\$41.33
After 15th Anniversary	\$38.60	\$39.75	\$41.74
After 16th Anniversary	\$38.98	\$40.15	\$42.16
After 17th Anniversary	\$39.37	\$40.55	\$42.58
After 18th Anniversary	\$39.76	\$40.96	\$43.01
After 19th Anniversary	\$40.16	\$41.37	\$43.44
After 20th Anniversary	\$40.56	\$41.78	\$43.87

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
Parks Foreman			
Upon Employment	\$31.36	\$32.30	\$33.92
After 1st Anniversary	\$31.67	\$32.62	\$34.26
After 2nd Anniversary	\$31.99	\$32.95	\$34.60
After 3rd Anniversary	\$32.31	\$33.28	\$34.94
After 4th Anniversary	\$32.63	\$33.61	\$35.29
After 5th Anniversary	\$32.96	\$33.95	\$35.65
After 6th Anniversary	\$33.29	\$34.29	\$36.00
After 7th Anniversary	\$33.62	\$34.63	\$36.36
After 8th Anniversary	\$33.96	\$34.98	\$36.73
After 9th Anniversary	\$34.30	\$35.33	\$37.09
After 10th Anniversary	\$34.64	\$35.68	\$37.46
After 11th Anniversary	\$34.99	\$36.04	\$37.84
After 12th Anniversary	\$35.34	\$36.40	\$38.22
After 13th Anniversary	\$35.69	\$36.76	\$38.60
After 14th Anniversary	\$36.05	\$37.13	\$38.99
After 15th Anniversary	\$36.41	\$37.50	\$39.38
After 16th Anniversary	\$36.77	\$37.88	\$39.77
After 17th Anniversary	\$37.14	\$38.25	\$40.17
After 18th Anniversary	\$37.51	\$38.64	\$40.57
After 19th Anniversary	\$37.89	\$39.02	\$40.97
After 20th Anniversary	\$38.27	\$39.41	\$41.38

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
F.T. Recycling Ctr. Attendant			
Upon Employment	\$27.62	\$28.45	\$29.88
After 1st Anniversary	\$27.90	\$28.74	\$30.17
After 2nd Anniversary	\$28.18	\$29.02	\$30.48
After 3rd Anniversary	\$28.46	\$29.32	\$30.78
After 4th Anniversary	\$28.75	\$29.61	\$31.09
After 5th Anniversary	\$29.03	\$29.90	\$31.40
After 6th Anniversary	\$29.32	\$30.20	\$31.71
After 7th Anniversary	\$29.62	\$30.51	\$32.03
After 8th Anniversary	\$29.91	\$30.81	\$32.35
After 9th Anniversary	\$30.21	\$31.12	\$32.67
After 10th Anniversary	\$30.51	\$31.43	\$33.00
After 11th Anniversary	\$30.82	\$31.74	\$33.33
After 12th Anniversary	\$31.13	\$32.06	\$33.66
After 13th Anniversary	\$31.44	\$32.38	\$34.00
After 14th Anniversary	\$31.75	\$32.71	\$34.34
After 15th Anniversary	\$32.07	\$33.03	\$34.68
After 16th Anniversary	\$32.39	\$33.36	\$35.03
After 17th Anniversary	\$32.72	\$33.70	\$35.38
After 18th Anniversary	\$33.04	\$34.03	\$35.74
After 19th Anniversary	\$33.37	\$34.37	\$36.09
After 20th Anniversary	\$33.71	\$34.72	\$36.45

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
Department Clerk			
Upon Employment	\$24.60	\$25.34	\$26.61
After 1st Anniversary	\$24.85	\$25.59	\$26.87
After 2nd Anniversary	\$25.10	\$25.85	\$27.14
After 3rd Anniversary	\$25.35	\$26.11	\$27.41
After 4th Anniversary	\$25.60	\$26.37	\$27.69
After 5th Anniversary	\$25.86	\$26.63	\$27.96
After 6th Anniversary	\$26.12	\$26.90	\$28.24
After 7th Anniversary	\$26.38	\$27.17	\$28.53
After 8th Anniversary	\$26.64	\$27.44	\$28.81
After 9th Anniversary	\$26.91	\$27.71	\$29.10
After 10th Anniversary	\$27.18	\$27.99	\$29.39
After 11th Anniversary	\$27.45	\$28.27	\$29.68
After 12th Anniversary	\$27.72	\$28.55	\$29.98
After 13th Anniversary	\$28.00	\$28.84	\$30.28
After 14th Anniversary	\$28.28	\$29.13	\$30.58
After 15th Anniversary	\$28.56	\$29.42	\$30.89
After 16th Anniversary	\$28.85	\$29.71	\$31.20
After 17th Anniversary	\$29.14	\$30.01	\$31.51
After 18th Anniversary	\$29.43	\$30.31	\$31.83
After 19th Anniversary	\$29.72	\$30.61	\$32.14
After 20th Anniversary	\$30.02	\$30.92	\$32.47

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
P.T. Recycling Center Attendant			
Upon Employment	\$22.38	\$23.05	\$24.20
After 1st Anniversary	\$22.60	\$23.28	\$24.44
After 2nd Anniversary	\$22.83	\$23.51	\$24.69
After 3rd Anniversary	\$23.05	\$23.75	\$24.93
After 4th Anniversary	\$23.29	\$23.98	\$25.18
After 5th Anniversary	\$23.52	\$24.22	\$25.43
After 6th Anniversary	\$23.75	\$24.47	\$25.69
After 7th Anniversary	\$23.99	\$24.71	\$25.95
After 8th Anniversary	\$24.23	\$24.96	\$26.21
After 9th Anniversary	\$24.47	\$25.21	\$26.47
After 10th Anniversary	\$24.72	\$25.46	\$26.73
After 11th Anniversary	\$24.96	\$25.71	\$27.00
After 12th Anniversary	\$25.21	\$25.97	\$27.27
After 13th Anniversary	\$25.47	\$26.23	\$27.54
After 14th Anniversary	\$25.72	\$26.49	\$27.82
After 15th Anniversary	\$25.98	\$26.76	\$28.10
After 16th Anniversary	\$26.24	\$27.03	\$28.38
After 17th Anniversary	\$26.50	\$27.30	\$28.66
After 18th Anniversary	\$26.77	\$27.57	\$28.95
After 19th Anniversary	\$27.03	\$27.84	\$29.24
After 20th Anniversary	\$27.30	\$28.12	\$29.53

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
Lead Recycling Center Attendant			
Upon Employment	\$29.39	\$30.28	\$31.79
After 1st Anniversary	\$29.69	\$30.58	\$32.11
After 2nd Anniversary	\$29.98	\$30.88	\$32.43
After 3rd Anniversary	\$30.28	\$31.19	\$32.75
After 4th Anniversary	\$30.59	\$31.51	\$33.08
After 5th Anniversary	\$30.89	\$31.82	\$33.41
After 6th Anniversary	\$31.20	\$32.14	\$33.75
After 7th Anniversary	\$31.51	\$32.46	\$34.08
After 8th Anniversary	\$31.83	\$32.78	\$34.42
After 9th Anniversary	\$32.15	\$33.11	\$34.77
After 10th Anniversary	\$32.47	\$33.44	\$35.12
After 11th Anniversary	\$32.79	\$33.78	\$35.47
After 12th Anniversary	\$33.12	\$34.12	\$35.82
After 13th Anniversary	\$33.45	\$34.46	\$36.18
After 14th Anniversary	\$33.79	\$34.80	\$36.54
After 15th Anniversary	\$34.13	\$35.15	\$36.91
After 16th Anniversary	\$34.47	\$35.50	\$37.28
After 17th Anniversary	\$34.81	\$35.86	\$37.65
After 18th Anniversary	\$35.16	\$36.21	\$38.03
After 19th Anniversary	\$35.51	\$36.58	\$38.41
After 20th Anniversary	\$35.87	\$36.94	\$38.79

Base Wage Schedule for Cape Elizabeth Public Works Department

Position	Effective July 1, 2025 (3.5%)	Effective July 1, 2026 (3%)	Effective July 1, 2027 (5%)
Highway/Parks Equipment Operator			
Upon Employment	\$27.46	\$28.28	\$29.70
After 1st Anniversary	\$27.73	\$28.57	\$29.99
After 2nd Anniversary	\$28.01	\$28.85	\$30.29
After 3rd Anniversary	\$28.29	\$29.14	\$30.60
After 4th Anniversary	\$28.57	\$29.43	\$30.90
After 5th Anniversary	\$28.86	\$29.72	\$31.21
After 6th Anniversary	\$29.15	\$30.02	\$31.52
After 7th Anniversary	\$29.44	\$30.32	\$31.84
After 8th Anniversary	\$29.73	\$30.63	\$32.16
After 9th Anniversary	\$30.03	\$30.93	\$32.48
After 10th Anniversary	\$30.33	\$31.24	\$32.80
After 11th Anniversary	\$30.63	\$31.55	\$33.13
After 12th Anniversary	\$30.94	\$31.87	\$33.46
After 13th Anniversary	\$31.25	\$32.19	\$33.80
After 14th Anniversary	\$31.56	\$32.51	\$34.14
After 15th Anniversary	\$31.88	\$32.83	\$34.48
After 16th Anniversary	\$32.20	\$33.16	\$34.82
After 17th Anniversary	\$32.52	\$33.49	\$35.17
After 18th Anniversary	\$32.84	\$33.83	\$35.52
After 19th Anniversary	\$33.17	\$34.17	\$35.88
After 20th Anniversary	\$33.50	\$34.51	\$36.24



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

FY 2025 Carryforward amendment- Salt Shed

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

In April 2025 our insurance provider conducted an inspection of the salt shed at Public Works, which identified major structural deficiencies. Planning was already underway for future replacement. Initial review of alternatives was thought to be in the \$20,000 - \$25,000 cost range, however to meet building code standards the replacement structure will cost \$65,000.

There were funds remaining in various Public Works accounts from FY 2025 that can allow for replacement of the salt shed this fall. The current salt shed cannot be used this winter, without correction of the structural issues.

Exhibit: None

Draft Motion: ORDERED, the Cape Elizabeth Town Council approve the additional Public Works fiscal year 2025 carryforwards, in the amount of \$36,000, for the immediate replacement of the salt shed.



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

Miscellaneous Amendments Part 2- Referral to Ordinance Committee

Council Resource: Penny Jordan

Staff Resource: Maureen O'Meara, Town Planner

Background:

The Planning Board prepared and recommended to the Town Council a package of Miscellaneous Amendments on August 19, 2025. The Planning Board has additional amendments to add to that package. Staff recommends merging these additional items into the main Miscellaneous Amendments Package. The amendments make the setback for accessory structures consistent and restore financial capability review to the Planning Board.

Exhibit: Planning Board memo to Town Council, Misc. Amendments Part 2, Misc Amdts P2 9-16-2025 (1) (Red line version)

Draft Motion: ORDERED, the Cape Elizabeth Town Council merge the Miscellaneous Amendments Part 2 into the Miscellaneous Amendments Package, and refer to the Ordinance Committee.

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Planning Board
DATE: September 18, 2025
SUBJECT: Miscellaneous Amendments Part 2

Introduction

The Planning Board prepared and recommended to the Town Council a package of Miscellaneous Amendments on August 19, 2025. The Planning Board has additional amendments to add to that package.

Summary of Part 2 Amendments

The Planning Board discussed the potential for making accessory structures (up to 200 sq. ft. in size) setbacks uniform in zoning districts at the August 19, 2025 meeting. Board members expressed interest in the concept, but were unwilling to add the revisions to the Miscellaneous Amendments Package that evening. After holding a public hearing, during which no one spoke, the Board voted to recommend the Miscellaneous Amendments to the Town Council.

The Planning Board then discussed “Miscellaneous Amendments Part 2” at the September 2nd workshop. In addition to discussing the accessory structure setback, the board also discussed the mechanism for the Town Manager to perform the financial capacity review, with the intent to create some structure for how that review would be done. Ultimately, the Planning Board decided that the information needed to demonstrate financial capacity should be available to the Planning Board, and the public. It was noted that the Planning Board should have information in the record upon which to base its finding of financial capability. The Town Manager review option is unique to Cape Elizabeth and the Planning Board would like it removed.

The Planning Board held a public hearing on the “Part 2” Amendments at the September 16, 2025 meeting.

Summary of Amendments

The Part 2 amendments make uniform the setback for accessory structures up to 200 sq. ft. in size at 10'. The amendments also eliminate the option for applicants before the Planning Board to obtain a review of financial capability instead of sharing that information with the Planning Board (and the public). Below is a line item description of each amendment.

<i>Page/Line</i>	<i>Description</i>
------------------	--------------------

- 1/13 The option to obtain a financial capability review from the Town Manager instead of the Planning Board is removed for Minor Subdivision review.
- 1/26 The option to obtain a financial capability review from the Town Manager instead of the Planning Board is removed for Major Subdivision review.
- 2/3 In addition to the Miscellaneous Amendments change to increase the size of an accessory structure from 150 sq. ft. to 200 sq. ft., this amendment reduces the setback to a consistent 10' in the Residence A District.
- 2/11 In addition to the Miscellaneous Amendments change to increase the size of an accessory structure from 150 sq. ft. to 200 sq. ft., this amendment reduces the setback to a consistent 10' in the Residence B District.
- 2/20 In addition to the Miscellaneous Amendments change to increase the size of an accessory structure from 150 sq. ft. to 200 sq. ft., this amendment reduces the setback to a consistent 10' in the Business B District.
- 3/11 The option to obtain a financial capability review from the Town Manager instead of the Planning Board is removed for Site Plan Review.

Recommendation

At the September 16, 2025 meeting, the Planning Board voted 6-0 on the following motion:

BE IT ORDERED that, based on the materials submitted and the facts presented, the Planning Board recommends the Miscellaneous Amendments Part 2.

Miscellaneous Amendments, Part 2

(9-16-2025)

Subdivision Ordinance

Appendix A

Minor Subdivision Submission Requirements

B. List of Submission items.

12. Financial and Technical Capability. Statement of Technical and Financial Capability, including a list of the applicant's development consultants, a description of all prior development projects, and a letter of firm financial commitment from a bank or other source of financing. ~~In the case where the applicant asserts that public disclosure of confidential financial information may prove detrimental to the applicant or the project, the applicant may substitute a recommendation from the Town Manager that the applicant has adequate financial capability to complete the project.~~

Appendix B

Major Subdivision Submission Requirements

Preliminary Review

B. List of submission items

12. Financial and Technical Capability. Statement of Technical and Financial Capability, including a list of the applicant's development consultants, a description of all prior development projects, and a letter of firm financial commitment from a bank or other source of financing. ~~In the case where the applicant asserts that public disclosure of confidential financial information may prove detrimental to the applicant or the project, the applicant may substitute a recommendation from the Town Manager that the applicant has adequate financial capability to complete the project.~~

Zoning Ordinance

ARTICLE VI. DISTRICT REGULATIONS

SEC. 19-6-1. RESIDENCE A DISTRICT (RA)

E. Standards

2. The following Space and Bulk Standards shall apply:

MINIMUM SETBACKS

(9) Accessory building having less than two one hundred fifty (200150) square feet of floor area and no more than fifteen feet (15') in height	
a. Side yard setback	10 15-ft.
b. Rear yard setback	10 15-ft.

SEC. 19-6-2. RESIDENCE B DISTRICT (RB)

E. Standards

b. For all other lots, the following Space and Bulk Standards shall apply:

MINIMUM SETBACKS

(8) Accessory building having less than two one hundred fifty (200150) square feet of floor area and no more than fifteen feet (15') in height	
a. Side yard setback	10 15-ft.
b. Rear yard setback	10 15-ft.

SEC. 19-6-6 BUSINESS DISTRICT B (BB)

E. Standards

2. The following Space and Bulk Standards shall apply:

MINIMUM SETBACKS

(8) Accessory building having less than two one hundred fifty (200150) square feet of floor area and no more than fifteen feet (15') in height	
a. Side yard setback	10 12.5-ft.
b. Rear yard setback	10 12.5-ft.

1
2 **ARTICLE IX. SITE PLAN REVIEW**

3
4 **SEC. 19-9-4. REVIEW PROCEDURES**

5
6 **C. Submission Requirements**

7
8 2. List of Submission items.

- 9
10 q. Financial and Technical Capability. Demonstration of technical and
11 financial capability to complete the project. ~~If the applicant concludes~~
12 ~~that public disclosure of confidential financial information may be~~
13 ~~detrimental to the success of the project, the applicant may disclose such~~
14 ~~financial information to the Town Manager, who shall explore with due~~
15 ~~diligence, the applicant's financial capability to complete the project as~~
16 ~~proposed in a timely fashion and make a recommendation to the Planning~~
17 ~~Board.~~



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

Amendments to Chapter 2- Administrative Code — Referral to Ordinance Committee

Council Resource:

Staff Resource:

Background:

The Town Ordinance Chapter 2- Administrative Code contains a section on the Town's purchasing procedures. Separately, the Town has a purchasing policy followed by staff for bidding and purchasing procedures.

Exhibit: None

Draft Motion: ORDERED, the Cape Elizabeth Town Council refer the Amendments to Chapter 2 — Administrative Code to the Ordinance Committee.



**Town Council Meeting
Wednesday, October 15, 2025**

AGENDA ITEM SUMMARY

Shore Road / Cliff House Beach Area Parking — Referral to Ordinance Committee

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

On September 25th, there was a public forum regarding the Shore Road and Cliff House Beach neighborhood on-street parking. A summary of the forum and the neighborhood survey results are now available. Council will consider moving these results to the Ordinance Committee for changes to the Town's current parking regulations.

Exhibit: Cape Elizabeth Parking Forum - Summary of Neighborhood Input, Neighborhood Survey Results

Draft Motion: ORDERED, the Cape Elizabeth Town Council refer the results of the public forum to the Ordinance Committee to consider changes to Chapter 13 — Traffic Regulations.

Town of Cape Elizabeth
Public Forum on Shore Road Parking at Cliff House Beach
9/25/25
MEETING SUMMARY

Executive Summary

The Town hosted a forum for residents in the vicinity of Cliff House Beach to explore and refine potential approaches to neighborhood parking and safety concerns. Four small groups discussed the pros and cons of different potential solutions. Shared themes emerged:

- Replace the parking areas on both sides of Shore Road with dedicated bike lanes. This would resolve poor visibility due to parked cars around the crosswalk and near driveways and intersections with side streets.
- Allow only Cape Elizabeth residents to park on side streets, with guest passes provided to people living in homes on the side streets. Side street parking should be limited to one side of the road seasonally.
- Slow traffic on Shore Road through traffic calming and speed enforcement.

Unsurprisingly, there was not universal agreement on these themes, and some of the divergent opinions were based on different ideas about who should be able to use the beach. Some people suggested reducing the total number of parking spots on Shore Road to between 5 and 15 to maintain some public access to the beach via car. Some people said that only Cape residents should have access to the beach. Others said that if a non-Cape resident walked or biked to the beach, they should be able to use the beach. Some emphasized the need for more parking enforcement.

Transportation Safety Best Practices

To ground the discussion in best practices, Cashel Stewart, Transportation Planning Manager for the Greater Portland Council of Governments, provided a primer on ways to slow traffic, increase visibility, and protect people who walk, bike and roll who are particularly vulnerable to being hurt in crashes. Strategies to improve safety include maintaining adequate sightlines around parked cars, ‘daylighting’ intersections and crosswalks, reducing car speeds, narrowing lanes, installing bump outs to create a ‘gateway’ feeling to slow motorists, installing speed tables/ raised cross walks, and installing bike lanes.

Catalog of Public Input and Ideas for Solutions

The meeting was facilitated by the Executive Director of the Greater Portland Council of Governments, Kristina Egan. She presented a short slide deck summarizing the public input that Town staff had received through emails and from the comments section of the surveys that had been submitted before the meeting.

Residents identified the following problems:

- “it’s all too fast and too busy”
- Need safer flow of multiple modes of transportation (cars, bikes, pedestrians)
- Problem has been getting worse over 5 years and recent interventions are making it worse
- Traffic travels too fast on Shore Road
- Poor visibility when exiting driveways and side streets to turn on to Shore Road
- Danger of pedestrians crossing in places with no crosswalks
- Danger to pedestrians with cyclists on the sidewalks
- Danger to cyclists from vehicles when bicycles traveling in the road
- Behavior of drivers making U-turns

Residents expressed competing values on beach access:

- Too many designated parking spots are an “invitation” for more people to come
- The solution “does not need to meet the needs of beach goers from outside Cape Elizabeth” who have “changed our community beach for the worse”
- Visitors should be steered to Fort Williams
- “Every Maine resident should have access to the ocean and to Cliff House Beach”

People had many ideas for how to change parking access and locations:

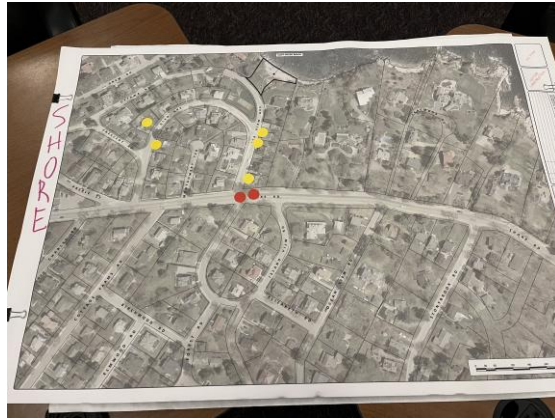
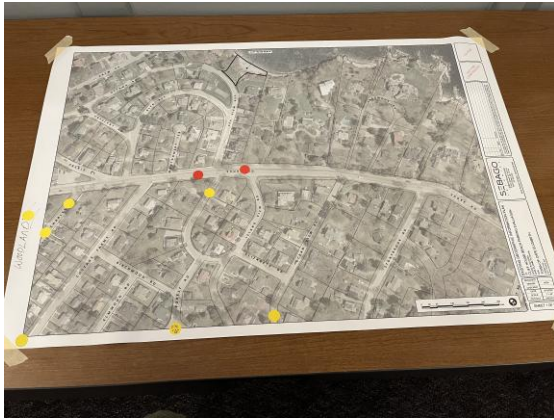
- Solutions must respect the quiet neighborhood streets
- Some parking should support public access
- “no parking at all times for anyone other than homeowners”
- Bigger issue is at Cookie Jar and Rosemont
- “more space allotted around driveways and side streets” and intersections
- Have metered parking
- Charge non-residents for parking
- Give homeowners guest placards to allow them to park
- Restrict parking seasonally
- Allow resident and some public parking on Shore Road, but not on side streets
- Reduce number of parking spots on Shore Road
- Allow parking on one side of Shore Road – the sea side
- No resident or public parking on Shore Road
- Resident only parking on side streets
- Restrict parking to one side of side streets

Some of these ideas were also echoed in the meeting's small working groups. Below is a catalog of suggestions:

- No parking on either side of Shore Rd (which is consistent with the rest of the road)
- Residents only parking on side streets with acceptations for work vehicles and guests (some kind of pass)
- Speed and traffic calming measures, including speed tables
- Add dedicated or protected bike lanes
- Replace parking lanes with bike lanes
- Improve crosswalk visibility/raise crosswalks
- Increase speed and parking enforcement
- One side only parking on Shore Rd
- Hire a seasonal parking enforcer
- Only 5-15 spots on Shore Rd.
- Rename area to not call it a beach
- Resident only parking on side streets within half a mile from beach
- Improve communication with police regarding parking enforcement
- Greater sightlines from intersections and crosswalks if parking is allowed on Shore Rd.
- One side only parking on side streets

After the four small groups reported out proposed solutions, each participant was asked to mark on large maps preferred parking treatment on the street on which they lived. Red dots symbolized no parking; green meant public parking; yellow meant resident parking only.





Next Steps

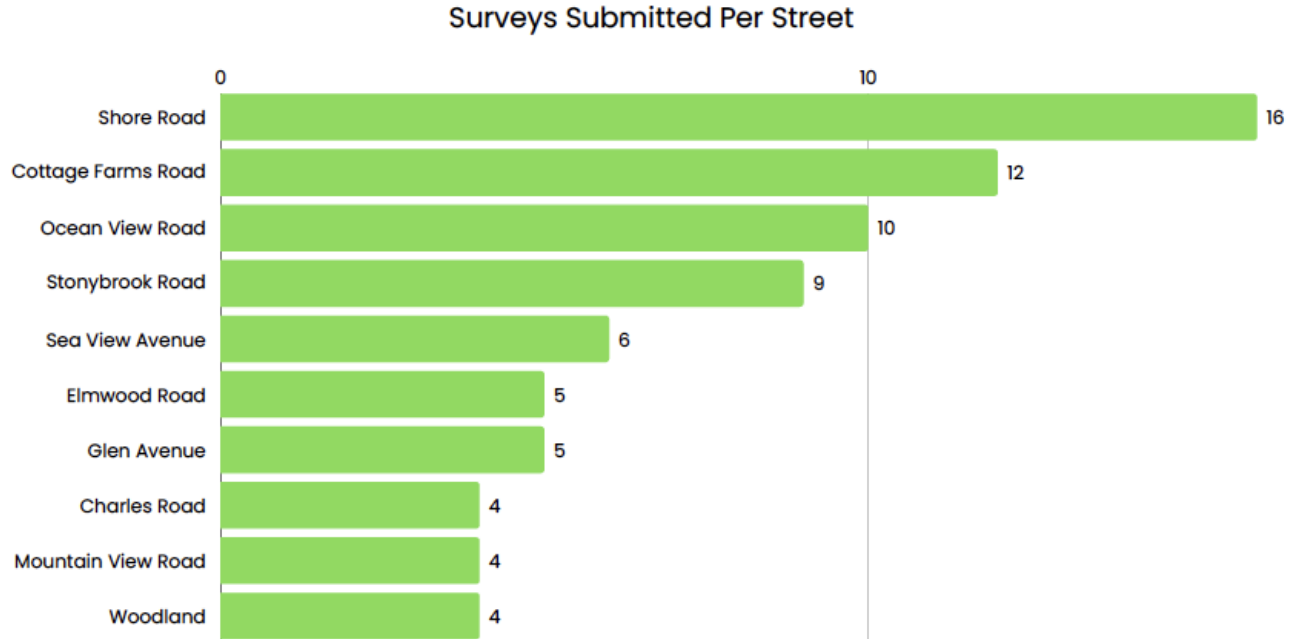
People who had not yet filed their responses to the survey were asked to hand them in. These results will be compiled with the surveys the Town already received.

Pat Fox, Town Manager of Cape Elizabeth, said that this forum will be summarized in a short report by GPCOG. This report will be shared with the Town Council. The Town Council will then determine next steps. If recommendations from this evening move forward, there will likely need to be new ordinances developed, which will go through the Ordinance Committee. There will be enough time for the Town to implement solutions before problems around Cliff House Beach arise again next summer.

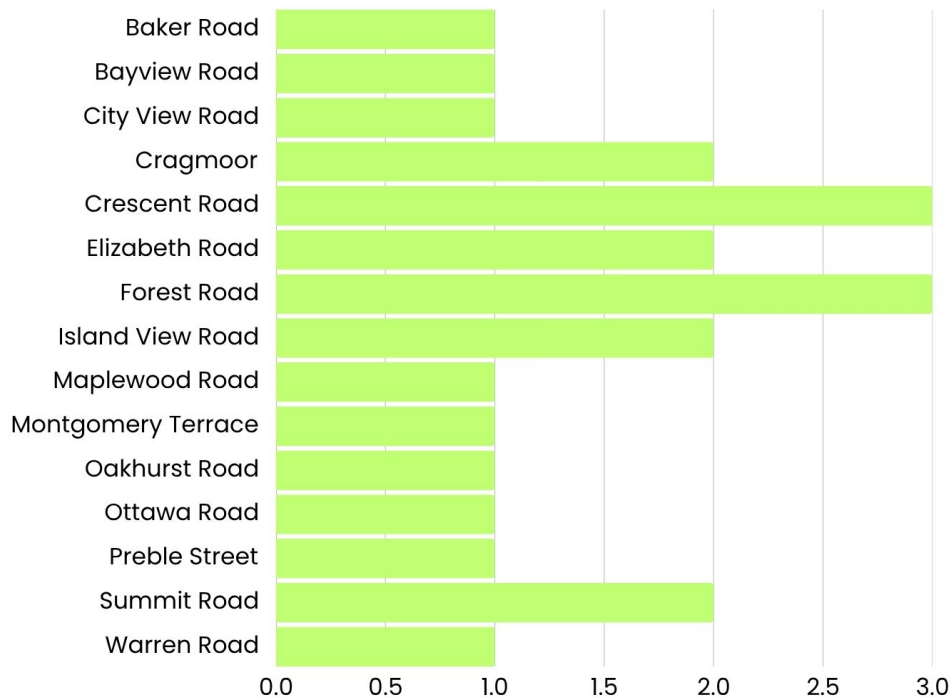
Shore Road / Cliff House Beach Survey Responses

On September 9, 2025, approximately 250 parking surveys were mailed to residents of the Cliff House Beach / Shore Road area. Survey responses were collected via email, drop-off at Town Hall, and at the Public Forum.

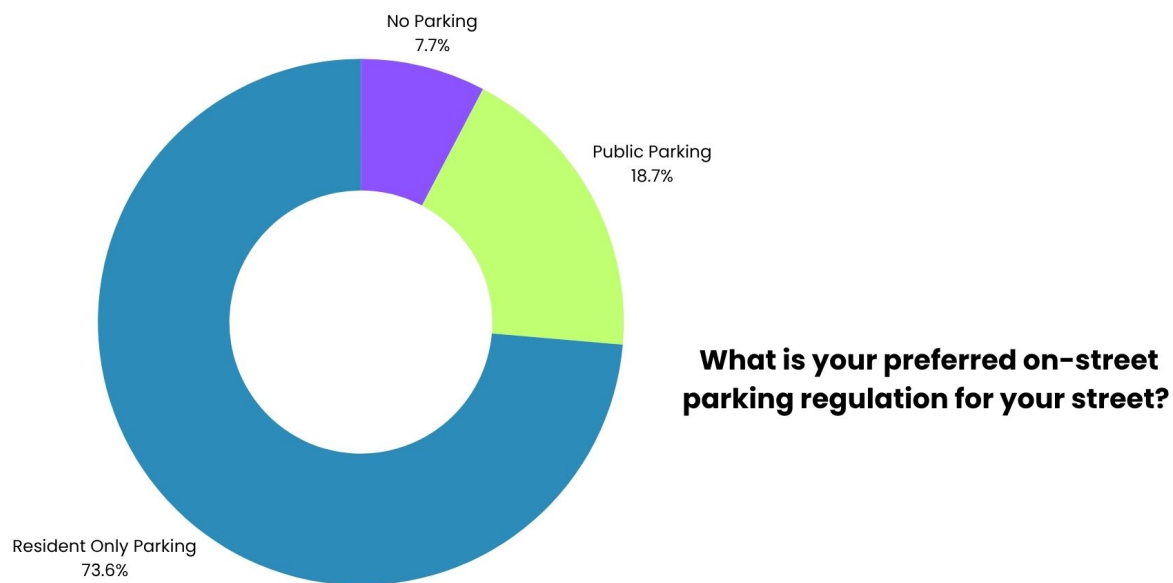
A total of 98 completed surveys were received, with 25 streets represented. **Below is the number of surveys submitted per streets that received a minimum of 4 survey responses.**



The streets listed below submitted 1-3 survey responses per street:



QUESTION 1



No Parking Comments:

- *No parking OR resident parking on Shore Road*
- *We live almost at the end of Forest Road, which is a dead end. We have no sidewalks and a very narrow street. Many young families with children and pets. I do not want any additional parking. There has been some confusion with your question. Resident Only*

Public Parking Comments:

- *Assumes some more road parking. If all Shore Rd. Parking goes away then would be open to resident parking.*
- *One side only and no parking within SOF + OF intersection*
- *We are in favor of public parking -we just feel the number of spots should be limited in scope so the neighborhood can safely enter and exit side streets and driveways without obstruction.*

Resident Only Comments:

I favor things on streets with residents only parking on one side of the street as long as residents have guest placards.

In summers. It has become very dangerous for us to pull out of the neighborhood and on to Shore Road. The visibility from Island View and Mountain View, going in both directions, is very limited.

During summer season

With temporary permits available for workers or if having an event.

As is currently

Seasonally

Residents and guests

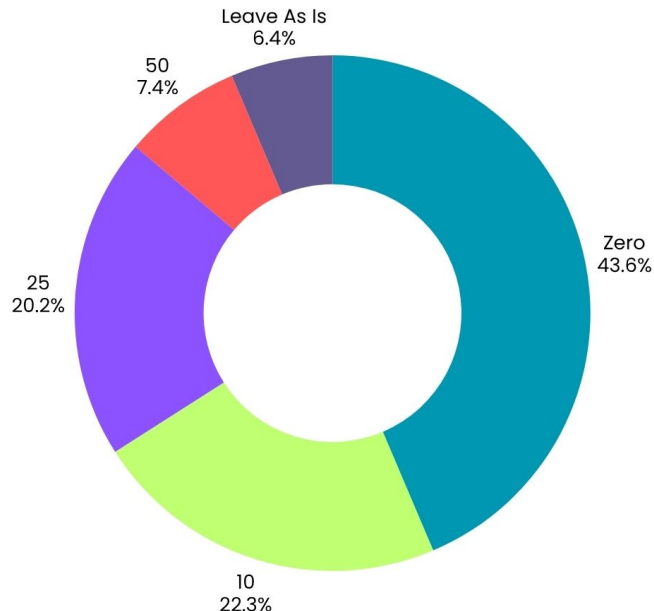
Seasonally only and perhaps 1/2 way down street

Seasonal May 1 - October 1

Only 4 houses on Crescent - can't absorb many vehicles on street.

QUESTION 2

What is the maximum number of public parking spaces that you feel should be available on Shore Road in the vicinity of Cliff House Beach?
(Currently there are approximately 60 to 70)



Comments on Zero Spaces:

- No parking on Shore Rd., make sides the bike lanes
- Safety first - I've seen cars pull u-turns to grab spaces on Shore Rd./leave their parking space. More often than not cars/buses, etc. are exceeding 30 mph! From Charles Road to Stonybrook there 20 roads/driveways coming/exiting. Shore Rd. Right now with cars parked, ped. Crossing road, bikes in the street, moving traffic and traffic pulling onto/off Shore — it's all too fast and busy.
- Or one side limited/20

Comments on 10 Spaces:

- Somewhere in the 10-25 range feels reasonable. Ideally only one side of the road.
- Put a parking plan in like @ FWP. Pay at kiosk \$25 per 2 hours for non residents.
- I'd prefer a bike lane! Way more bikers than beach goers.
- Can we talk about the "carrying capacity" of this tiny beach? Beyond the human experience of it with the crowds that are now allowed. Have you studied how much human waste is entering the bay? That is a huge issue one I believe sets the town up for a lawsuit. No one is climbing those stairs to use a portable toilet. It is all entering the Bay.
- There should be clear sight lines pulling out of driveways and side streets onto Shore Road going right or left.

Comments on 25 Spaces:

- The current configuration is unsafe due to lack of a dedicated bicycle path. Bikes and cars should not have to share the road. We recently had a bike rider almost hit us on the sidewalk - quite scary! There needs to be more space allotted to each side of our 2 private road entrances/exits (12/10 Cragmoor). We have been away for a while until this week and I had forgotten how little room there is when pulling out onto Shore Road if there are cars/trucks parked next to our entrance/exit.
- However many fit between Cragmoor and Sea View on the sidewalk side only.
- It's important to be good stewards of this little beach and only on water (ocean side of Shore Rd) to improve safety for bikes, pedestrians and motorists.

- *On Shore Road only, not side streets.*
- *With more space allotted around driveways and side streets*

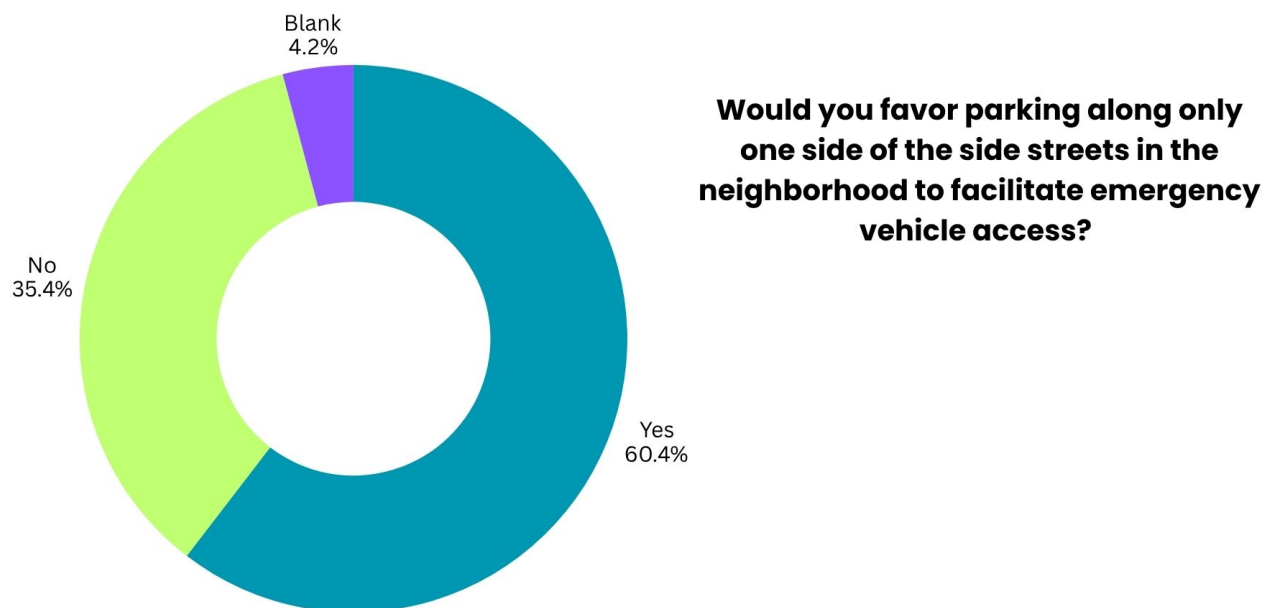
Comments on 50 Spaces:

- *Allowing for more space at intersections (eg. Mountain View & Shore)*
- *Beach can handle approx. 100 people. All Maine residents should have access to the beach and the ocean.*
- *This is not a business impact issue, only residential and a safety issue. Bike lane should not be in travel lane.*
- *There should not be parking on the northwest side of Shore Road. Limited visibility due to landscaping and the curve of the road prevent oncoming vehicles from being seen until they are past parked cars.*
- *Or one side limited/20*

Comments on Leave the Current Configuration As Is:

- *Please consider metered parking similar to Fort Williams*

QUESTION 3



Comments on Yes:

- *Just like Glen Ave. is now but with guest placards that hang on the rear view mirror like a handicap placard (2 per household).*
- *No parking on Shore, this pertains to side streets.*
- *And no parking on Preble St. as even on the the one side parking is difficult to maneuver.*
- *Cookie Jar has a parking issue year round. As does Rosemont. These two are much larger issues than seasonal beach parking.*
- *Please include evaluation of improving bike lanes along entire length of Shore Road (e.g. a 2 ft. wide paved shoulder).*
- *I would favor no parking at all times for anyone other than homeowners. Leave the way it is.*
- *We already have, it works great!*
- *If necessary.*
- *Shore Road on section with sidewalk - so long as those neighbors can safely exit their driveways!*

Comments on No:

- *Current configuration is very dangerous. One cannot see traffic on Shore Road to safely exit driveway onto Shore Rd.*
- *The roads are too narrow and winding, and people have already proven the don't follow the rules.*
- *How do you choose?*
- *Not an issue if resident only.*
- *We don't have a problem now and changes to beach policy should not increase parking in our neighborhood.*
- *No on Woodland, Yes on Shore.*

Comments on Blank:

- *On a case by case basis where it is deemed too narrow to accumulate emergency vehicles. And perhaps where needed ask residents to not park directly opposite each other, so that emergency vehicle can get through and we can maintain parking on both sides.*

- *Again, this question is causing confusion to some. When I've asked neighbors how they answered. No - I do not want signs saying Park on one side only and some side streets should not be considered or allocated for beach parking.*
- *Depending on the width of the streets. Cottage Farms Road is wide enough to support parking on both sides. Speeding is our issue.*



Town Council Meeting
Wednesday, October 15, 2025

AGENDA ITEM SUMMARY

Chapter 13- Parking Amendments on Fenway Road

Council Resource: Caitlin Harriman

Staff Resource: Patrick Fox, Town Manager

Background:

At the September 8, 2025 meeting, the Town Council referred parking changes on Fenway Road to the Ordinance Committee. The Committee has provided their recommendations for changes to Chapter 13- Traffic Regulations.

Exhibit: Ordinance Committee Memo to Town Council re: Fenway Road, Chapter 13 Traffic Ordinance Fenway Road Amendments (red line version)

Draft Motion: ORDERED, the Cape Elizabeth Town Council schedules a public hearing for November 10, 2025, regarding the Chapter 13- Traffic Ordinance changes for Fenway Road parking.

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Ordinance Committee
DATE: October 6, 2025
SUBJECT: Fenway Road Parking Amendments

Introduction

At the September 8, 2025 meeting, the Town Council referred to the Ordinance Committee recommended changes to parking allowed on Fenway Road.

Discussion

The Ordinance Committee discussed parking on Fenway Rd at the September 22, 2025 meeting. The committee noted the work of the Traffic Safety Working Group and the desire to eliminate parking on the “in-bound” side in favor of encouraging use of the cul-de-sac instead of three point turns.

Recommendation

The Ordinance Committee adopted the following recommendation by a vote of 3-0.

The Ordinance Committee recommends the Fenway Rd amendment as prescribed and edited with direction to town staff to notify Fenway Road residents of the public hearing.

Chapter 13
Traffic Ordinance
Fenway Rd Amendment

Sec. 13-2-3. No Parking at Any Time. There shall be no parking at any time:

t. On the southerly side of Fenway Road; nor within the cul-de-sac, however temporary parking, not to exceed thirty (30) minutes, to load and unload watercraft shall be allowed.



**Town Council Meeting
Wednesday, October 15, 2025**

AGENDA ITEM SUMMARY

Fort Williams Master Plan Planning Board Recommendation

Council Resource: Penny Jordan

Staff Resource: Maureen O'Meara, Town Planner

Background:

As part of the Site Plan review of proposed improvements to Fort Williams Park, the Planning Board has also provided the Town Council with a recommendation on the 2021 Fort Williams Park Master Plan.

Exhibit: Planning Board memo to Town Council re: Fort Williams Master Plan

Draft Motion: ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Planning Board recommendation for the 2021 Fort Williams Master Plan.

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Planning Board
DATE: September 18, 2025
SUBJECT: 2021 Fort Williams Master Plan

Introduction

As part of Site Plan review of proposed improvements to Fort Williams Park, the Planning Board has also provided the Town Council with a recommendation on the 2021 Fort Williams Park Master Plan.

Summary

The Town of Cape Elizabeth has established a unique zoning district encompassing Fort Williams Park, called the Fort Williams Park District (Sec. 19-6-8). Unlike other zoning districts that include lists of permitted uses, etc, the Fort Williams Park Zoning District references the most current Fort Williams Master Plan. This allows the Town flexibility to manage the park using the current management structure that includes the Community Services Director, the Fort Williams Park Committee, and the Town Council. In accordance with Sec. 19-6-8.D, Fort Williams Park District Master Plan Amendments, the Planning Board must provide a recommendation to the Town Council for adoption of a new Master Plan.

The 2021 Fort Williams Master Plan was adopted by the Town Council, but the plan was not submitted to the Planning Board for a recommendation. In order to rectify this omission, the Planning Board has made a recommendation on the 2021 Fort Williams Master Plan.

Recommendation

At the September 16, 2025 meeting, the Cape Elizabeth Planning Board voted 6-0 to adopt the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the Planning Board recommends the 2021 Fort Williams Master Plan to the Town Council for consideration.