



# CITY OF BELFAST

131 Church Street  
Belfast, Maine 04915

**Erin Herbig**  
City Manager

**E-mail:** [citymanager@cityofbelfast.org](mailto:citymanager@cityofbelfast.org)

**Tel:** (207) 338-3370 ext. 110

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**MANAGER'S REPORT**  
Belfast City Council Meeting  
Tuesday, October 3, 2023

**6:00 p.m.** Council Work Session with the Climate, Energy and Utilities Committee.

**7:00 p.m.** Regular Council Meeting

**All City Council Meetings and City Committee Meetings will be conducted in-person at Belfast City Hall, effective May 3, 2022.**

**TO: Mayor Eric Sanders and Honorable Members of Belfast City Council**

**FROM: Erin Herbig, City Manager**

**DATE: Thursday, September 28, 2023**

**Agenda Items:**

**10-A Presentation on the 2023-2024 General Assistance Ordinance and State Derived Maximum Benefits for general assistance requests.**

General Assistance is a statewide program. Different areas of the state have different levels of financial assistance based upon local surveys for food cost, housing cost, utility bills, etc.

Every year the State of Maine proposes new maximum limits of assistance as well as a General Assistance Ordinance and Appendices for the City to consider adopting which is updated annually by the Maine Municipal Association. The limits for this next year have increased from last year's limits and City staff recommend the adoption of these increased limits, as well as the updated Ordinance and Appendices. The State reimburses the City seventy percent of any General Assistance we provide.

No City Council action is required at this time as this is strictly a presentation regarding the proposed amendments.

Please see the attached memo, ordinance, and proposed maximum standards for the next twelve months (10-A, B and C) from General Assistance Administrator Kristi Osgood providing further detail. Administrator Osgood will be at the meeting to present.

**10-B Public Hearing on the 2023-2024 General Assistance Ordinance and State Derived Maximum Benefits for general assistance requests.**

NOTICE OF PUBLIC HEARING

CITY OF BELFAST CITY

PROPOSED AMENDMENTS TO THE 2023-2024 GENERAL ASSISTANCE ORDINANCE  
and STATE DERIVED MAXIMUM BENEFITS FOR GENERAL ASSISTANCE

The City of Belfast City Council, at its meeting on Tuesday, October 03, 2023, beginning at 7:00 p.m. or as soon as practical thereafter, shall conduct a public hearing and the Second Reading pursuant to adopting the Maine Municipal Association Model General Assistance Ordinance and Appendices (A-C) for the period of October 1, 2023 to September 30, 2024. This ordinance and appendices will be filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. section 4305 (4).

Persons who may wish to offer public comment may do so in any of the following 3 ways:

- 1) Participating in person at the October 03, 2023, Regular Council Meeting.
- 2) Sending comment via email to [public@cityofbelfast.org](mailto:public@cityofbelfast.org). All email comments must be received by 12:00 pm on October 03, 2023.
- 3) Sending a letter to City of Belfast, City Manager, 131 Church St, Belfast, ME, 04915. All letters must be received by 12:00 pm on October 03, 2023.

The Council conducted the First Reading of the above amendments at its meeting of September 19th, 2023. The complete text of all proposed amendments can be found on the City of Belfast website. Questions regarding the proposed amendments should be directed to Kristi Osgood, General Assistance Administrator, at [generalassistance@cityofbelfast.org](mailto:generalassistance@cityofbelfast.org), or by calling 207-338-3370 ext.120.

All interested persons are invited to participate in the public hearing and will be given an opportunity to be heard at that time.

Please see the attached memo, ordinance, and proposed maximum standards for the next twelve months (10-A, B and C) from General Assistance Administrator Kristi Osgood providing further detail.

**10-C Second Reading on the 2023-2024 General Assistance Ordinance and State Derived Maximum Benefits for general assistance requests.**

This is a Second Reading. The First Reading was held at the Regular City Council Meeting on Tuesday, September 19, 2023. General Assistance Administrator Kristi Osgood recommends that a motion is made to approve the Second Reading and to adopt the 2023-2024 General Assistance Ordinance and State Derived Maximum Benefits for general assistance requests.

Please see the attached memo, ordinance, and proposed maximum standards for the next twelve months (10-A, B and C) from General Assistance Administrator Kristi Osgood providing further

detail. Administrator Osgood will be at the meeting to offer more information and answer any questions.

**10-D Request from the Parks and Recreation Director to expend up to \$4,000.00 to repair broken ramps at the Overlock Skate Park.**

There are currently two ramps at the Overlock Skate Park that have large holes in the skating surface. Concerned with safety in their current condition, Parks and Recreation Director Zach Dozier reached out to Nikadimus Cody, a long-time user and steward of Overlock Skate Park about the possibility of him repairing the affected ramps. Mr. Cody, a local builder who has built and repaired ramps for Overlock Park in the past, expressed his willingness to do the work and provided a rough estimate of \$3,200.00 for labor and materials.

Mr. Cody explained that this has been a recurring problem, as water collects in these spots. He also brought up the age of the entire park, and the possible need while repairing these holes, to repair any rotten framing that may be encountered. Parks and Recreation Director Dozier believes that these holes represent an immediate safety concern for users of the current Skate Park. Further, Mr. Cody was amenable to utilizing monies that had been raised, as he was heavily involved in the raising of those funds, to be used to pay for this repair.

As Mr. Cody stated that it is probable that the framing is beginning to rot and should be repaired, the Parks and Recreation Director is recommending, that if approved by the City Council, a motion is made to expend up to \$4,000.00 to repair the current damage to the two ramps and any rotting framework with funding to come from the Skate Park Design/Construction account #730-833. This account has a current balance of \$22,370.

Please see the attached memo and photos (10-D) from Parks and Recreation Director Zach Dozier providing more information. Director Dozier will be at the meeting to present and answer any questions.

**10-E Request from the Harbor Master to approve Charter Vessel Contracts for the 2024 season.**

Each year the City of Belfast enters into Charter Vessel Contracts and Commercial Use Contracts with those who wish to operate out of our Harbor for the 2024 summer season, operating from both the City Landing and Thompson's Wharf slip facilities.

Two of these requests are from charter vessel operators who had approved contracts last year: Alex Pelling of the m/v Back and Forth and Jack Ives of the schooner Charm. No changes are requested from these contract holders for either the nature of the business operation or contracts.

American Cruise Lines, who have operated for close to 20 years from the Belfast City Landing but for the past three years have not been running due to COVID and the building a new ship, has requested to return next season with their new ship the American Eagle, a 243' catamaran. The American Eagle is licensed for 109 passengers and has a crew of 50. Their 12-week schedule request is to stay two consecutive days a week in Belfast starting in July, which gives the passengers and crew more time in town than their previous schedule of one afternoon per week.

Joshua Jacques, Captain of the 92' schooner Tree of Life, has requested to operate windjammer trips from the City Landing starting in 2024. Mr. Jacques is requesting an overnight slip for 3 days a week between his 3- and 6-day trips in Penobscot Bay. The vessel will carry 6 passengers, offering an exclusive windjammer experience.

All these vessel requests will operate with an overnight contract with the City, which includes required insurance and conditions for operations.

Following are the contract requests for 2024:

Charter Vessel:

- Alex Pelling  
28' m/v 'Back and Forth' custom service 6 pax Concessions Contract City Landing
- John Ives  
85' schooner 'Charm' 2 – 3 hour day sails 34 pax Concessions Contract Thompson's

- Josh Jacques  
92' schooner 'Tree of Life' 3 – 6 day sails 6 pax Concessions Contract City Landing
- American Cruise Lines  
243' catamaran 'American Eagle' 2 nights/week 109 pax Concessions Contract City Landing

The Harbor Advisory Committee does not recommend any amendments to the contracts as presented at this time.

Fees for charter vessel and cruise ship contracts, in addition to other Harbor Usage Fees will be discussed by the Harbor Advisory Committee next month and will be presented for Council consideration soon thereafter.

If approved by the City Council, Harbor Master Kathy Given recommends that the Council approve all the Charter Vessel contract requests for the 2024 season as presented.

Please see the attached memo (10-E) from Harbor Master Kathy Given providing more information. Harbor Master Given will be at the meeting to present the request and answer any questions.

#### **10-F Discussion on the 2023-2024 Winter Curbside Belfast Program.**

The Code and Planning Department has facilitated permitting for the City's Curbside Belfast outdoor dining program since its inception in 2020 at the onset of the COVID-19 pandemic. The program has been a great success and a welcome addition to the streetscape in Downtown Belfast.

Since the program's launch, the program has been extended through the winter months, with appropriate winter standards in place. The Summer Curbside Belfast Program runs from May 1<sup>st</sup>

through October 31<sup>st</sup> each year and the Winter Curbside Belfast Program runs from November 1<sup>st</sup> through April 30<sup>th</sup>.

The Director of Code and Planning Bub Fournier has enclosed the parameters of the 2022 winter program for discussion. City staff are seeking direction from the City Council for this year's winter season. Last year, Downshift Coffee was the sole winter participant. This summer's participants included Darby's Restaurant, Downshift Coffee, Alexia's Pizza, Fon's Kitchen, and Delvino's Grill and Pasta House.

Please see the attached memo (10-F) from Director of Code and Planning Bub Fournier providing more information. Director Fournier will be at the meeting to present and answer any questions.

**10-G Request to hire Attorney Jonathan Pottle of Eaton Peabody to provide legal representation to the City of Belfast Zoning Board of Appeals.**

City staff recommends that the Council approve engaging the services of Attorney Jonathan Pottle of Eaton Peabody to provide legal services to the Belfast Zoning Board of Appeals (ZBA) associated with an appeal filed by Upstream Watch of a Planning Board decision. The anticipated cost of Mr. Pottle's services is \$225.00 per hour. These funds are recommended to come from the ZBA account #680-606. This account has a current balance of \$1,500.

If approved by the City Council, City staff request that the Council make a motion authorize the City Manager to sign an engagement of services with Attorney Jonathan Pottle of Eaton Peabody to provide legal services to the Belfast ZBA associated with an appeal filed by Upstream Watch of a Planning Board decision.

Please see the attached engagement (10-G) from Jonathan Pottle of Eaton Peabody outlining the proposal for conflict counsel in further detail. I will be at the meeting to present and answer any questions.

**10-H Request from the Cemetery Trustees to accept \$482.00 from the Cemetery Chapel Tours.**

On Saturday, September 16th Megan Pinette, Belfast Historian and Cemetery Trustee, gave a walking tour of Grove Cemetery and the restored Cemetery Chapel. The hour-long tour featured Belfast notables buried in the old tree-lined section, including several early Belfast settlers. A suggested donation of \$10 was requested to benefit the Chapel Fund.

The Cemetery Trustees collected \$482 in donations. As only the City Council can accept donations on behalf of the City, City staff recommends that the City Council make a motion to accept the \$482 donation and to place these funds into account # G-1-2009-00 Cemetery Fund Raiser Donations.

**10-I Request from the Finance Director to authorize an adjustment to the FY2023-2024 Budget.**

Following Council approval of this year's tax commitment at the September 5<sup>th</sup>, 2023, Regular Council Meeting, Finance Director Amy Bradford has been inputting the FY2023-24 gross budget. During this process, in order for our approved budget and tax commitment to align, a budget adjustment is required. The total of this adjustment is \$105,727.

Due to personnel changes and as a result, a budget that was passed later than in more recent years, the opportunity for necessary checks and balances prior to tax commitment was missed.

The City's past and current practice of passing a budget months ahead of a tax commitment, rather than on a closer timeline, creates a missed opportunity for increased checks and balances as well as eliminates options for adjustments as part of the budget process before it is passed. At this point, this adjustment must be funded by the overlay that was authorized as part of the 2023 tax commitment. The approved overlay has a current balance of \$243,844. Our overlay can

absorb this in a manner that maintains the good fiscal health of the City and in fact, that is what it is there for.

Our goal moving forward should be to have our budget passage and tax commitment more closely aligned so that we do not miss out on those opportunities for increased checks, balances, and options for adjustment in the future. This is a critical piece in the improvements City staff have and will continue to be making to improve the City's financial record-keeping practices moving forward.

If approved by the City Council, City staff recommends that a motion be made to authorize the Finance Director to make an adjustment in the amount of \$105,727 to the FY2023-24 Budget. I will be at the meeting to present and answer any questions.

**10-J Request to approve a CMP pole permit for four new poles located on Rolerson Road.**

Please see the attached CMP pole permit application (10-J) for four new poles on Rolerson Road. City Code Enforcement Officer Steve Wilson and Director of Public Works Bob Richards recommend the Council approve this pole permit.

**10-K Request to approve a CMP pole permit for one new pole located on Banks Road.**

Please see the attached CMP pole permit application (10-K) for one new pole on Banks Road. City Code Enforcement Officer Steve Wilson and Director of Public Works Bob Richards recommend the Council approve this pole permit.

### **10-L Request to approve a CMP pole permit for one new pole located on Congress Street.**

Please see the attached CMP pole permit application (10-L) for one new pole on Congress Street. City Code Enforcement Officer Steve Wilson and Director of Public Works Bob Richards recommend the Council approve this pole permit.

### **10-M Signing of Council Orders**

Fire Chief Patrick Richards said it best when he encouraged the public “to prepare for the worst and hope for the best.” As any Mainer can attest, and as I have become keenly aware of since serving as City Manager: you can never truly predict the weather here in Midcoast Maine. But we have done is develop methods to best to secure our impacted facilities and notify the public.

I would like to extend my thanks to the City of Belfast Fire and Ambulance Department who responded to 24 emergency calls in a 12-hour period that consisted of utility issues, motor vehicle accidents, fire alarms and carbon monoxide alarms during Hurricane Lee. To the Public Works Department, thank you for your work cleaning up down trees and brush in various locations across the City to ensure that our roadways were unobstructed. And to the Harbor Department, who although had no damage, thank you for spending the days leading up to the storm working with the Public Works Department to secure the Harbor. This included contacting mooring owners reminding them to check boats and mooring gear, notifying everyone including the fisherman to take any trailers/boats home so we have more space, securing the harbor office, checking, and securing Thompson’s Wharf and City Landing.

The City of Belfast was very lucky to be minimally impacted by Hurricane Lee on Saturday, September 16<sup>th</sup>. No matter the outcome of this storm, or whenever the next storm arrives, we should all feel proud knowing that City crews are prepared and out doing all that they can to ensure the health and safety of our citizens during severe weather.

**City of Belfast  
Consent Agenda  
Tuesday, October 3, 2023  
Meeting #7**

The following items are proposed as our Consent Agenda. As in the past the items are voted on in one blanket motion to the affirmative. One Councilor makes a motion to approve the items as stated, and then another Councilor will second that motion and the whole Council votes. If a Councilor requests an item be removed from the consent agenda, they do so during the adoption of the agenda. If a member of the public requests that an item be removed from the consent agenda, they can do so in the open to the public section. Suggested motions are listed and supporting material is enclosed.

**9) Permits, Petitions and Licenses - Consent Agenda**

**A. Request from the Fire Chief to confirm Caleb Heald as an on-call firefighter for the Belfast Fire Department.**

Motion to confirm Caleb Heald as an on-call firefighter for the Belfast Fire Department.

**B. Request to approve a Facility Use Request application by Our Town Belfast for use of Post Office Square for the annual Tree Lighting on Saturday, November 25, 2023, from 4:00 p.m. to 7:00 p.m.**

Motion to approve a Facility Use Request application by Our Town Belfast for use of Post Office Square for the annual Tree Lighting on Saturday, November 25, 2023, from 4:00 p.m. to 7:00 p.m.

**C. Request to approve a Facility Use Request application by Our Town Belfast for use of Post Office Square for the annual Menorah Lighting on Thursday, December 7, 2023, from 4:00 p.m. to 6:00 p.m.**

Motion to approve a Facility Use Request application by Our Town Belfast for use of Post Office Square for the annual Menorah Lighting on Thursday, December 7, 2023, from 4:00 p.m. to 6:00 p.m.

**D. Request to approve a Facility Use Request application by the Belfast Area Chamber of Commerce for use of Steamboat Landing Park and the Belfast Boathouse for the**

**annual Holiday on the Harbor on Saturday, December 9, 2023, from 11:00 a.m. to 1:00 p.m.**

Motion to approve a Facility Use Request application by the Belfast Area Chamber of Commerce for use of Steamboat Landing Park and the Belfast Boathouse for the annual Holiday on the Harbor on Saturday, December 9, 2023, from 11:00 a.m. to 1:00 p.m.

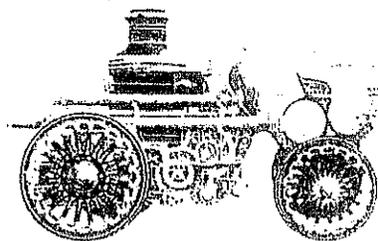
- E. Request to approve an application by Crusty Crab LLC d/b/a The Front Street Pub located at 37 Front Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant (Class I, II, III, IV) liquor license.**

Motion to approve an application by Crusty Crab LLC d/b/a The Front Street Pub located at 37 Front Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant (Class I, II, III, IV) liquor license.

- F. Request to approve a catering permit for The Otis Group Inc. d/b/a Rollie's for the Golden Eagle Awards fundraiser on September 27, 2023, from 4:00 p.m. to 10:00 p.m. located at 15 Front Street, Belfast, Maine.**

Motion to approve a catering permit for The Otis Group Inc. d/b/a Rollie's for the Golden Eagle Awards fundraiser on September 27, 2023, from 4:00 p.m. to 10:00 p.m. located at 15 Front Street, Belfast, Maine.

9.A



*Belfast Fire & Ambulance Department*  
*131 Church Street • Belfast, Maine 04017*  
*Phone 338-3302*

September 25, 2023

Honorable Mayor Sanders

Belfast City Councilors

City Mgr. Herbig

Re; Caleb Heald

I submit the name of Caleb Heald for the position of call member firefighter. Mr. Heald currently works for the City of Belfast Ambulance Service as a part-time EMT and has been working many shifts for the City. Mr. Heald is an eager young man that has proven to be an asset while on shift at Belfast Ambulance. He is currently enrolled in the Firefighter I/II program and will have that certificate by the end of the year. Adding him to this roster will benefit all and I hope to see this young man continue to advance eventually to a full-time position.

Thank you for this consideration.

Patrick Richards

Fire Chief/Ambulance Director

9.B

# Memorandum

September 25, 2023

To: Erin Herbig, Belfast City Manager

Honorable Mayor Sanders and Belfast City Council

From: Zach Dozier, Belfast Parks and Recreation

Re: Facilities Use Request-Annual Tree Lighting in Post Office Square

Cc: Chief Cormier, Belfast Police Department

Bob Richards, Belfast Public Works Department

Chief Richards, Belfast Fire Department and EMS

The City of Belfast has received a Facility Use Request from Amanda Cunningham, Director of Our Town Belfast for the annual Tree Lighting with Santa and Mrs. Clause to take place on Saturday, November 25, 2023, from 4:00PM to 7:00PM at Post Office Square. This event is expected to attract around 400 to 500 people. Our Town Belfast is requesting the closure of Church Street from the corner of the Opera House Block allowing access to the Beaver Street public parking lot, Main Street from Market Street to High Street, Beaver Street to the lower exit of the Beaver Street Public Parking lot, and Franklin Street to Court Street. Our Town Belfast is also requesting the presence of the Belfast Police Department during the time of the event.



**Request to use Facilities that  
Belong to the Citizens of the City of Belfast  
Updated February 5, 2015**

**All applications and related documents bring to the Parks and Recreation Office at City Hall. 338-3370 Ext 27. The City Manager's Office will act as a backup.**

The City of Belfast owns Streets, sidewalks, parks, land and buildings. It is the policy of the City that property belonging to the citizens of Belfast be available to the public.

Unless specifically approved to the contrary, no public property will be set aside for the exclusive use of any individual or group and the general public will at all reasonable times have access to City property.

This is a planning checklist for your benefit as well as the City's. **If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.**

**Approvals cannot be given to individuals or groups who are uncertain of their plans.**

**Please attach maps, additional sheets, event outlines, etc. - that help to explain your request.**

If any of the following questions do NOT apply to your event simple write

N/A (not applicable) in the space provided. Thank you.

1. State your name, phone number, e-mail address, and identity whom you represent?

- Amanda Cunningham, Executive Director, Our Town Belfast
- Director@ourtownbelfast.org
- 207-218-1158

If you are not going to be the primary contact for this event – then who is and please provide their full name, phone number, and email address: n/a

2. Describe in detail the nature of this event (What are you planning on?):

- Annual Holiday Tree Lighting with Santa and Mrs. Clause arriving with the Belfast Fire Department on a Fire Truck to Post Office Square. This family-friendly event brings hundreds of Belfastians together to kick off the holiday season in downtown Belfast.

3. What facilities would you like to use or what permissions are you seeking with respect to City buildings, Parks, Lands, Streets, sidewalks? Please be specific.

- Post Office Square including the parking area, Main Street to High Street, Church Street to Market Street, Beaver Street to the lower exit for Beaver Street Public Parking Lot, and Franklin Street to Court Street.

4. What **dates and times** do you wish to have this event?

- Saturday, November 25, 2023, 4:00 - 7:00 p.m.

5. Are you asking to close off any City Streets? (Which ones, what dates, for how long a period of time each day?)

Closures of the following streets on Saturday, November 25, 2023, from 4:00 to 7:00 p.m.:

- Church Street from the corner of the Opera House Block, allowing access to the Beaver Street Public Parking Lot open, to Market Street.
- Main Street from Market Street to High Street.
- Beaver Street to the lower exit of Beaver Street Public Parking Lot.
- Franklin Street to Court Street.

If yes then who will manage these closed-off Streets?

- Our Town Belfast and Belfast Parks & Recreation

6. Are you asking the City for anything other than the use of the facilities you have described above?

- Yes, police presence for crowd control and traffic monitoring.

7. How many people do you expect?

- Approx. 400 - 500 people

8. Will you be selling things at this event? What and by who if not you?

- No

9. Will any alcohol be served or consumed at this event? (If yes provide details)

Where?

- No

By Whom: Name and Phone contact number:

- N/A

10. Does this event call for any type of open fire - including for cooking purposes? (If so describe what fire safety measures you plan on employing associated with this potential hazard?)

- No

11. Will you be renting spaces to vendors on City Property? Yes  No

If yes where do you propose they set up? (MAP Location) n/a

12. Describe what type of vendor and the charges you propose to assess against them.

- n/a

13. Will you have insurance in the amount of \$1,000,000 that also names the Inhabitants of The city of Belfast as an additional named insured party to hold the City of Belfast harmless from any and all injuries that may occur as the result of any negligence on your part in conducting this event?

- Yes

14. Who is your insurance agent that will provide proof of this coverage to the City?
- Allen Insurance and Financial
15. Noise: What kind of noise do you expect to generate at this event and during which specific period of time?
- Use of a sound system for caroling and announcements, soft music, and conversation from 4:30 to 7:00 p.m.
16. How do you propose to handle garbage removal?
- Our Town Belfast will handle garbage removal
17. How do you propose to handle parking?
- Attendees will use city street parking and parking lots
18. How do you propose to handle security?
- We are requesting the presence of Belfast PD for the evening for security purposes
19. How do you propose to handle the need for restrooms?
- For the short amount of time that this event takes place, we do not anticipate a need for restrooms
20. What is your plan/need for electricity or water?
- We will need to run electricity from the Post Office
21. Have you spoken to the neighbors in the area of this event and discussed traffic, noise, parking, etc. with them?
- We will speak with the downtown businesses that will be affected by this event
22. Who will be in charge of the event during the event and what are their home phone numbers, cell phone numbers, and email addresses - where they can be reached before and during this event?
- Amanda Cunningham
  - (cell/home) 207.939.5638, (office) 207.218.1158, (email) [director@ourtownbelfast.org](mailto:director@ourtownbelfast.org)
23. Are you requesting any services from the City? Be specific on the services you are asking for
- Belfast Parks and Rec and Belfast Public Works to assist with barricades and Belfast PD for assisting with street closures and security

**Department**

**Service Requested**

City Manager \_\_\_\_\_

Police

- Belfast PD for assisting with street closures and security

Fire/ Ambulance \_\_\_\_\_

Parks

- Parks to help with barricades

Public Works

- Public Works to provide barricades/cones for street closures

Harbor \_\_\_\_\_

Other? \_\_\_\_\_

**Remember, if any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.**



## FACILITY USE APPLICATION CHECKLIST

- Application complete with contact names and contact information
- Specific facility or park requested
- Dates/times of the event and extra set-up time if necessary
- Specific request of City services:
  - electrical needs
  - street closures
  - police assistance
  - trash removal
- Vendor permits (necessary if serving alcohol)
- Parking plan
- Insurance Certificate (need to receive two weeks prior to event)
- Map/diagram of event layout
- Music cannot reach a volume level of more than 7 on controls
- Plan for restroom facilities
- Scheduled meeting with City Representative

My signature attests to the review of the checklist and the realistic view of the event provided to the City. Any deviation from the written request is grounds for cancellation of the event by the City of Belfast without notice.

Signature  
Cunningham

Date: 9/18/23 Printed Name: Amanda



**ADMINISTRATIVE COMMENTS**  
**(Internal City use only)**

City Manager's Office

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Police Department

Fire/Ambulance Department

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Parks Department

Public Works Department

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Harbor Master

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Boat House Rental Agent

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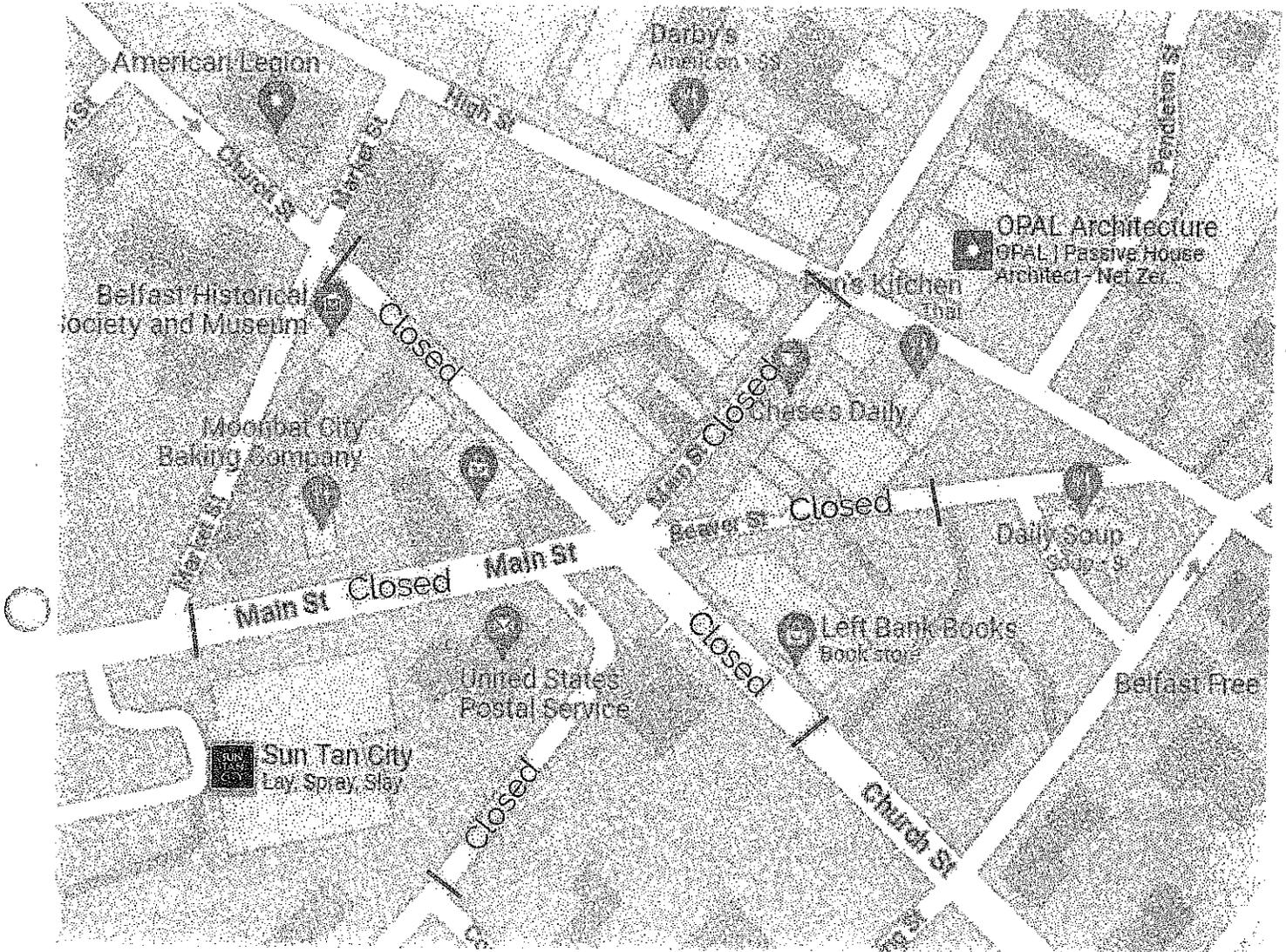
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Other Notes: \_\_\_\_\_

MAP OF EVENT:



# Annual Holiday Tree Lighting Street Closures



9.C

# Memorandum

September 25, 2023

To: Erin Herbig, Belfast City Manager

Honorable Mayor Sanders and Belfast City Council

From: Zach Dozier, Belfast Parks and Recreation

Re: Facilities Use Request-Annual Menorah Lighting in Post Office Square

Cc: Chief Cormier, Belfast Police Department

Bob Richards, Belfast Public Works Department

The City of Belfast has received a Facility Use Request from Amanda Cunningham, Director of Our Town Belfast for the annual Menorah Lighting to take place on Thursday, December 7, 2023, from 4:00PM to 6:00PM at Post Office Square. This event is expected to attract more than 100 people to celebrate the beginning of Hannukah. Our Town Belfast is requesting the closure of Franklin Street from Main Street to Court Street. Our Town Belfast is also requesting the presence of the Belfast Police Department during the time of the event.



**Request to use Facilities that  
Belong to the Citizens of the City of Belfast  
Updated February 5, 2015**

**All applications and related documents bring to the Parks and Recreation Office at City Hall. 338-3370 Ext 27. The City Manager's Office will act as a backup.**

The City of Belfast owns Streets, sidewalks, parks, land and buildings. It is the policy of the City that property belonging to the citizens of Belfast be available to the public.

Unless specifically approved to the contrary, no public property will be set aside for the exclusive use of any individual or group and the general public will at all reasonable times have access to City property.

This is a planning checklist for your benefit as well as the City's. If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity. Approvals cannot be given to individuals or groups who are uncertain of their plans.

Please attach maps, additional sheets, event outlines, etc. - that help to explain your request.

If any of the following questions do NOT apply to your event simple write N/A (not applicable) in the space provided. Thank you.

1. State your name, phone number, e-mail address, and identity whom you represent?

- Amanda Cunningham, Executive Director, Our Town Belfast
- Director@ourtownbelfast.org
- 207-218-1158

If you are not going to be the primary contact for this event – then who is and please provide their full name, phone number, and email address: n/a

2. Describe in detail the nature of this event (What are you planning on?):

- Annual Menorah Lighting in Post Office Square. This family-friendly event brings more than one hundred Belfastians together to kick off Hanukkah downtown Belfast.

3. What facilities would you like to use or what permissions are you seeking with respect to City buildings, Parks, Lands, Streets, sidewalks? Please be specific.

- Post Office Square including the parking area along Franklin Street to Court Street.

4. What dates and times do you wish to have this event?

- Thursday, December 7, 2023, 4:00 - 6:00 p.m.

5. Are you asking to close off any City Streets? (Which ones, what dates, for how long a period of time each day?)

- We request to close Franklin Street from Main Street to Court Street.

If yes then who will manage these closed-off Streets?

- Our Town Belfast and Belfast Parks & Recreation

6. Are you asking the City for anything other than the use of the facilities you have described above?

- Yes, police presence for crowd control and traffic monitoring.

7. How many people do you expect?

- Approx. 100 - 125 people

8. Will you be selling things at this event? What and by who if not you?

- No

9. Will any alcohol be served or consumed at this event? (If yes provide details)

Where?

- No

By Whom: Name and Phone contact number:

- N/A

10. Does this event call for any type of open fire - including for cooking purposes? (If so describe what fire safety measures you plan on employing associated with this potential hazard?)

- No

11. Will you be renting spaces to vendors on City Property? Yes  No

If yes where do you propose they set up? (MAP Location) n/a

12. Describe what type of vendor and the charges you propose to assess against them.

- n/a

13. Will you have insurance in the amount of \$1,000,000 that also names the Inhabitants of The city of Belfast as an additional named insured party to hold the City of Belfast harmless from any and all injuries that may occur as the result of any negligence on your part in conducting this event?

- Yes

14. Who is your insurance agent that will provide proof of this coverage to the City?

- Allen Insurance and Financial

15. Noise: What kind of noise do you expect to generate at this event and during which specific period of time?

- Use of a sound system for caroling and announcements, soft music, and conversation from 4:30 to 7:00 p.m.

16. How do you propose to handle garbage removal?

- Our Town Belfast will handle garbage removal

17. How do you propose to handle parking?

- Attendees will use city street parking and parking lots

18. How do you propose to handle security?

- We are requesting the presence of Belfast PD for the evening for security purposes

19. How do you propose to handle the need for restrooms?

- For the short amount of time that this event takes place, we do not anticipate a need for restrooms

20. What is your plan/need for electricity or water?

- We will need to run electricity from the Post Office

21. Have you spoken to the neighbors in the area of this event and discussed traffic, noise, parking, etc. with them?

- We will speak with the downtown businesses that will be affected by this event

22. Who will be in charge of the event during the event and what are their home phone numbers, cell phone numbers, and email addresses - where they can be reached before and during this event?

- Amanda Cunningham
- (cell/home) 207.939.5638, (office) 207.218.1158, (email) [director@ourtownbelfast.org](mailto:director@ourtownbelfast.org)

23. Are you requesting any services from the City? Be specific on the services you are asking for

- Belfast Parks and Rec and Belfast Public Works to assist with barricades and Belfast PD for assisting with street closures and security

**Department**

**Service Requested**

City Manager \_\_\_\_\_

Police

- Belfast PD for assisting with street closures and security

Fire/ Ambulance \_\_\_\_\_

Parks

- Parks to help with barricades

Public Works

- Public Works to provide barricades/cones for street closures

Harbor \_\_\_\_\_

Other? \_\_\_\_\_

**Remember, If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.**



## FACILITY USE APPLICATION CHECKLIST

- Application complete with contact names and contact information
- Specific facility or park requested
- Dates/times of the event and extra set-up time if necessary
- Specific request of City services:
  - electrical needs
  - street closures
  - police assistance
  - trash removal
- Vendor permits (necessary if serving alcohol)
- Parking plan
- Insurance Certificate (need to receive two weeks prior to event)
- Map/diagram of event layout
- Music cannot reach a volume level of more than 7 on controls
- Plan for restroom facilities
- Scheduled meeting with City Representative

My signature attests to the review of the checklist and the realistic view of the event provided to the City. Any deviation from the written request is grounds for cancellation of the event by the City of Belfast without notice.

Signature

Printed Name: Amanda Cunningham

Date: 9/18/23



**ADMINISTRATIVE COMMENTS**  
**(Internal City use only)**

City Manager's Office

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Police Department

Fire/Ambulance Department

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Parks Department

Public Works Department

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Harbor Master

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Boat House Rental Agent

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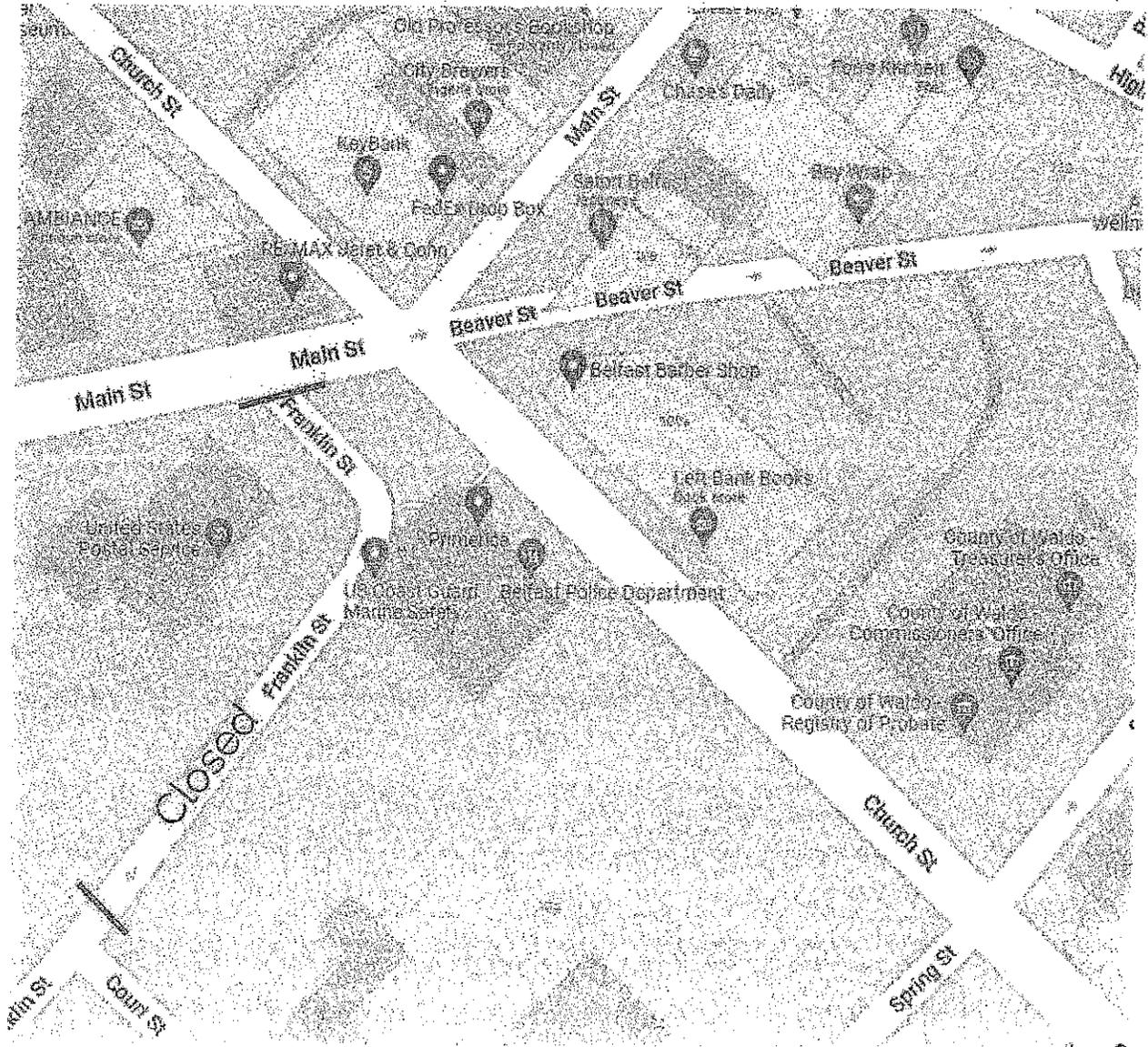
Other Notes:

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MAP OF EVENT:

# Annual Holiday Menorah Lighting Street Closures



9.0

# Memorandum

September 25, 2023

To: Erin Herbig, Belfast City Manager

Honorable Mayor Sanders and Belfast City Council

From: Zach Dozier, Belfast Parks and Recreation

Re: Facilities Use Request-Holiday's on the Harbor

Cc: Chief Cormier, Belfast Police Department

Kathy Given, Belfast Harbor Master

The City of Belfast has received a Facility Use Request from Dorothy Havey representing the Belfast Area Chamber of Commerce regarding the annual Holiday's on the Harbor event to take place on Saturday December 9<sup>th</sup> from 11:00AM to 1:00PM at Steamboat Landing Park and the Belfast Boathouse. Santa will arrive by horse and carriage at either the gazebo at Steamboat Landing Park, or the Belfast Boathouse depending on the weather. Hot chocolate will be served, holiday craft activities offered, as well as carriage rides for the visiting public. Around 200 people are expected to attend the event, which is free to all. This event is co-sponsored by the Belfast Parks and Recreation Department.



Facilities Use Request  
City of Belfast, Maine

(see 12022)  
poster

EVENT: Holidays on the Harbor

DATES: 12/9/2023 EVENT REPRESENTATIVE: Dorothy Hawey

PROPOSED LOCATION/AREA TO BE USED: Boathouse + Steamboat Landing

All applications and related documents to be returned to the Parks and Recreation Office at City Hall. 338-3370 Ext 27. The City Manager's Office will act as a backup.

The City of Belfast owns Streets, sidewalks, parks, land and buildings. It is the policy of the City that property belonging to the citizens of Belfast be available to the public. Unless specifically approved to the contrary, no public property will be set aside for the exclusive use of any individual or group and the general public will at all reasonable times have access to City property.

This is a planning checklist for your benefit as well as the City's. **If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.** Approvals cannot be given to individuals or groups who are uncertain of their plans.

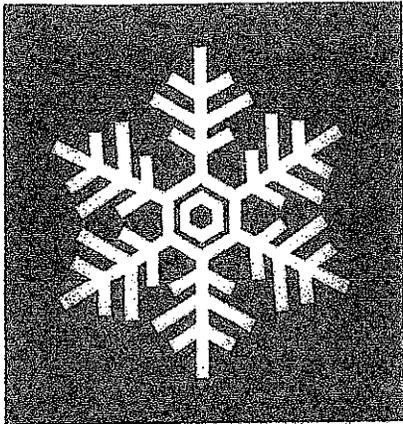
Please attach maps, additional sheets, event outlines etc. - that help to explain your request. If any of the following questions do NOT apply to your event simple write N/A (not applicable) in the space provided. Thank you.

1) State your name, phone number, e-mail address and identify whom you represent?

Dorothy Hawey 207 338 5900 Chamber of Commerce  
director@belfastmaine.org

2) Describe in detail the nature of this event (What are you planning on?):

Santa visits Boathouse, craft table  
cookie decorating, Book giveaway,  
Christmas Caroling, photo booth,  
hot chocolate popcorn, all free for families.



**SAT  
DEC  
10TH**

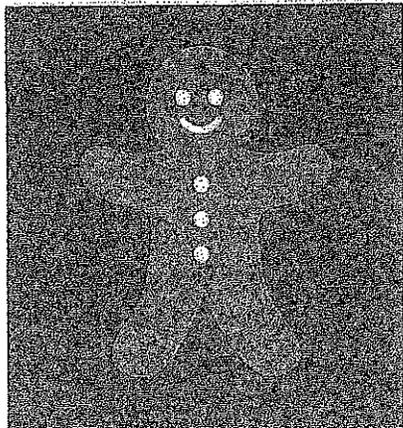
**2022**  
**@ STEAMBOAT LANDING PARK**

**SANTA  
ARRIVES  
11AM**



**PHOTOS WITH  
SANTA FROM  
11AM-12PM  
AND  
1230-130PM**

Ho-Ho-Holiday Book Drive  
Ornament and Cookie Decorating  
Belfast Free Library StoryWalk  
Family Horse Drawn Wagon Rides  
Yummy Hot Chocolate & Popcorn



**BROUGHT TO YOU BY BELFAST PARKS AND RECREATION DEPT  
AND BELFAST AREA CHAMBER OF COMMERCE**

3) What facilities would you like to use or what permissions are you seeking with respect to City buildings, Parks, Lands, Streets, sidewalks? Please be specific.

Boathouse + Steamboat Landing  
including gazebo - Santa may sit there if not inclement weather.  
Horse + carriage rides around Steamboat.

4) What dates and times do you wish to have this event?

Saturday Dec 9th from 9 am to 3 pm.  
Event runs from 11 to 1, but set up + clean up

5) Are you asking to close off any City Streets? (Which ones, what dates, for how long a period of time each day?)

no

If yes, then who will manage these closed off Streets?

6) Are you asking the City for anything other than use of the facilities you have described above?

are you having the horse + carriage rides?  
need tables, sound system, santa chair, fake fireplace

7) How many people do you expect?

200

8) Will you be selling things at this event? What and by who if not you?

no

all items are free -

9) Will any alcohol be served or consumed at this event? (If yes provide details)

Where? - Attach MAP \_\_\_\_\_

By Whom: Name and Phone contact number: \_\_\_\_\_

NO

10) Does this event call for any type of open fire - including for cooking purposes? (If so describe what fire safety measures you plan on employing associated with this potential hazard?)

NO

11) Will you be renting spaces to vendors on City Property? Yes \_\_\_\_\_ No

If yes where do you propose they set up? (MAP Location) \_\_\_\_\_

12) Describe what type of vendor and the charges you propose to assess against them.

NO

13) Will you have insurance in the amount of \$1,000,000 that also names the Inhabitants of the City of Belfast as an additional named insured party to hold the City of Belfast harmless from any and all injuries that may occur as the result of any negligence on your part in conducting this event?

YES

14) Who is your insurance agent that will provide proof of this coverage to the City?

Robina Lods Vamey Insurance

15) Noise: What kind of noise do you expect to generate at this event and during which specific period of time?

not very loud

16) How do you propose to handle garbage removal?

hot chocolate cups -  
minimal trash - dumpster @ boathouse

17) How do you propose to handle parking?

with available spaces.

18) How do you propose to handle security?

not necessary

19) How do you propose to handle the need for restrooms?

use boathouse - not a long event  
Kids visit Santa, select book, make craft

20) What is your plan/need for electricity or water?

nothing out side for electricity.

21) Have you spoken to the neighbors in the area of this event and discussed traffic, noise, parking etc. with them?

no

22) Who will be in charge of the event during the event and what are their home phone numbers, cell phone numbers, and email addresses - where they can be reached before and during this event?

Dorothy Harvey 207 505 2321

23) Are you requesting any services from the City? Be specific on the services you are asking for

access to boathouse - set up  
12 tables, around edge of Boat

Revised May 2016 NEMcG

house, Santa chair, fake fireplace

**Department**

**Service Requested**

City Manager

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Police

---

Fire/ Ambulance

---

Parks

---

Public Works

---

Harbor

---

Other?

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**Remember, If any aspect of the activity you wish to conduct is not specifically listed on this checklist then there will be no permission to conduct that activity.**



## FACILITY USE APPLICATION CHECKLIST

- Application complete with contact names and contact information
- Specific facility or park requested
- Dates/times of the event and extra set-up time if necessary
- Specific request of City services:
  - electrical needs
  - street closures
  - police assistance
  - trash removal
- Vendor permits (necessary if serving alcohol)
- Parking plan
- Insurance Certificate (need to receive two weeks prior to event)
- Map/diagram of event layout
- Music cannot reach a volume level of more than 7 on controls
- Plan for restroom facilities
- Scheduled meeting with City Representative

My signature attests to the review of the checklist and the realistic view of the event provided to the City. Any deviation from the written request is grounds for cancellation of the event by the City of Belfast without notice.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



**ADMINISTRATIVE COMMENTS**  
**(Internal City use only)**

City Manager's Office

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Police Department

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Fire/Ambulance Department

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Parks Department

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Public Works Department

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Harbor Master

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Boat House Rental Agent

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Other Notes:

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To the Mayor and Council Members of the City of Belfast

Attached you will find the 2023-2024 General Assistance Ordinance. You will also find the General Assistance Maximum Summary Sheet for Waldo County 2023-2024. The following documents were revised by the Maine Municipal Association and sent out to all municipalities.

Below highlights the changes that will be applied to the City of Belfast General Assistance Program as of October 1<sup>st</sup>, 2023.

### Appendix A

Overall Maximums (Increase)

Household #	2022-2023 Monthly	2023-2024 Monthly	% Increase
1	\$970.00	\$1,041.00	7.3%
2	\$972.00	\$1,047.00	7.7%
3	\$1,155.00	\$1,256.00	8.7%
4	\$1,441.00	\$1,558.00	8.7%
5	\$1,970.00	\$2,132.00	8.2%

Add \$75.00 for each additional person.

### Appendix B

Food Maximums (Increase)

Household #	2022-20223 Weekly/Monthly	2023-2024 Weekly/Monthly	% Increase
1	\$65.35 / \$281.00	\$67.67 / \$291.00	3.6%
2	\$120.00 / \$516.00	\$124.42 / \$535.00	3.7%
3	\$172.09 / \$740.00	\$178.14 / \$766.00	3.5%
4	\$218.37 / \$939.00	\$226.28 / \$973.00	3.6%
5	\$259.53 / \$1,116.00	\$268.60 / \$1,155.00	3.5%
6	\$311.40 / \$1,339.00	\$322.33 / \$1,386.00	3.5%
7	\$344.19 / \$1,480.00	\$356.28 / \$1,532.00	3.5%
8	\$393.26 / \$1,691.00	\$407.21 / \$1,751.00	3.5%

Add \$219.00 per month for each additional person.

**Appendix C**

## Housing Maximums (Increase)

## Unheated

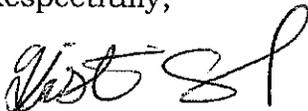
Bedroom (s)	2022-2023 Weekly/Monthly	2023-2024 Weekly/Monthly	% Increase
0	\$194.00 / \$835.00	\$209.00 / \$897.00	7.4%
1	\$194.00 / \$835.00	\$209.00 / \$897.00	7.4%
2	\$216.00 / \$928.00	\$236.00 / \$1,014.00	9.3%
3	\$271.00 / \$1,164.00	\$294.00 / \$1,264.00	8.6%
4	\$379.00 / \$1,628.00	\$412.00 / \$1,770.00	8.7%

## Heated

Bedroom(s)	2022-2023 Weekly/Monthly	2023-2024 Weekly/Monthly	% Increase
0	\$222.00 / \$955.00	\$239.00 / \$1,026.00	7.4%
1	\$222.00 / \$955.00	\$239.00 / \$1026.00	7.4%
2	\$264.00 / \$1,134.00	\$287.00 / \$1,235.00	8.9%
3	\$329.00 / \$1,417.00	\$357.00 / \$1,533.00	8.2%
4	\$451.00 / \$1,941.00	\$489.00 / \$2,102.00	8.3%

Thank you for your consideration in adopting the General Assistance Ordinance and the updated Appendices.

Respectfully,



Kristi Osgood

City of Belfast

General Assistance Administrator

Oct 1, 2023 to Sept 30, 2024

**OVERALL MAXIMUMS (A)**

Persons in Household				
1	2	3	4	5
\$1,041	\$1,047	\$1,256	\$1,558	\$2,132

Household of 6 = \$2,207  
 \* Add \$75 for each additional person

**FOOD MAXIMUMS (B)**

Persons	Weekly	Monthly
1	\$67.67	\$291.00
2	\$124.42	\$535.00
3	\$178.14	\$766.00
4	\$226.28	\$973.00
5	\$268.60	\$1,155.00
6	\$322.33	\$1,386.00
7	\$356.28	\$1,532.00
8	\$407.21	\$1,751.00

Add \$219 per month for each + person

**HEATING FUEL (E)**

Month	Gallons	Month	Gallons
January	225	Jun-Aug	0
February	225	September	50
March	125	October	100
April	125	November	200
May	50	December	200

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.

**HOUSING MAXIMUMS (C)**

BEDROOM	UNHEATED		HEATED	
	Weekly	Monthly	Weekly	Monthly
0	\$209	\$897	\$239	\$1,026
1	\$209	\$897	\$239	\$1,030
2	\$236	\$1,014	\$287	\$1,235
3	\$294	\$1,264	\$357	\$1,533
4	\$412	\$1,770	\$489	\$2,102

**PERSONAL CARE & HOUSEHOLD SUPPLIES (F)**

Number in Household	Weekly Amount	Monthly Amount
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:

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

**MILEAGE RATE (G)**

46 cents (\$0.46) per mile

**FUNERAL MAXIMUMS (H)**

Burial: \$1,475+; Cremation: \$1,025+

**ELECTRIC (D)**

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:

Number in Household	Weekly	Monthly
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:

Number in Household	Weekly	Monthly
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.

1-800-442-6003

Revised 8/28/23

Oct 1, 2022 to Sept 30, 2023

**OVERALL MAXIMUMS**

**Persons in Household**

1	2	3	4	5
\$970	\$972	\$1,155	\$1,441	\$1,970

Household of 6 = \$2,045

\* Add \$75 for each additional person

**FOOD MAXIMUMS**

Persons	Weekly	Monthly
1	\$65.35	\$281
2	\$120.00	\$516
3	\$172.09	\$740
4	\$218.37	\$939
5	\$259.53	\$1,116
6	\$311.40	\$1,339
7	\$344.19	\$1,480
8	\$393.26	\$1,691

Add \$211 per month for each + person

**HEATING FUEL**

Month	Gallons	Month	Gallons
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.

**HOUSING MAXIMUMS**

BEDROOM	UNHEATED		HEATED	
	Weekly	Monthly	Weekly	Monthly
0	\$194	\$835	\$222	\$955
1	\$194	\$835	\$222	\$955
2	\$216	\$928	\$264	\$1,134
3	\$271	\$1,164	\$329	\$1,417
4	\$379	\$1,628	\$451	\$1,941

**PERSONAL CARE & HOUSEHOLD SUPPLIES**

Number in Household	Weekly Amount	Monthly Amount
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.

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Number of Children	Weekly Amount	Monthly Amount
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2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

\*\*\*New - Appendix H Revisions

Burial Maximum: \$1,475  
Cremation Maximum: \$1,025

**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:

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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:

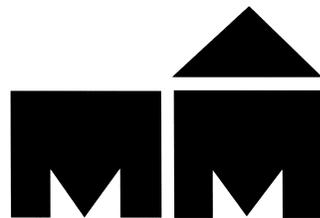
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2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

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

1-800-442-6003

Revised 09/06/2022

# **GENERAL ASSISTANCE ORDINANCE**



Prepared by Maine Municipal Association  
September 2022



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## 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 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 day(s) and hours the Administrator will be available. 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 law will be available to any member of the public upon request. Notice to this effect will be posted.

## 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. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 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)).

**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 his or her 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).

**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 he/she is eligible, until he/she establishes 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 his or her records to the specified parties. Whenever the Administrator releases any information, he/she 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, 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 he/she is 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 he/she 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 his or her 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 Accepted; Posted Notice.** Application forms will be available during regular business hours at the municipal office and when the Administrator is conducting interviews with applicants. Completed applications will be accepted and interviews given only during the regular hours established and posted by the Administrator. In an emergency, however, the Administrator or his or her designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where people may apply for assistance 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 he/she must reimburse the municipality the amount of GA benefits he/she has been granted if he/she subsequently has 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. (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 he/she believes 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 his or her 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 his or her behalf and the applicant may be prohibited from entering the municipal building;
- c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that he/she has 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 he/she is 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 he/she needs 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 his or her 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).

**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 his or her 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 he or she 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 his or her 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 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.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

#### **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 his or her eligibility and, if eligible, will grant assistance until he/she establishes 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 30 days after he/she moves provided the recipient remains eligible.

**Institutions.** If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters 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 he/she intends 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 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 his or her 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 he/she is 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 he/she does 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.

### **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 his or her 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 he or she uses these assets to meet his or her 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 his or her 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 his or her 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 his or her 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 his or her 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 him/her 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, 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) 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 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 his or her regular employment would result in the person working more than 40 hours per week.
- 6) In no case will an eligible person be required to perform work beyond his or her 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 he/she is 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 his or her 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 his or her 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 he/she is 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 he or she, 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 his or her 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 his or her 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 his or her 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 his or her parents for GA will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her 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 his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that his or her 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 he/she has 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 his or her 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 his or her 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 pursuant to 26 M.R.S. § 1051(1) is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S. § 4317.

## **ARTICLE VI – Determination of Eligibility**

### **Section 6.1—Recognition of Dignity and Rights**

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her 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 he or she is 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 himself or herself eligible for GA, the Administrator shall notify that applicant in writing that he or she must reimburse the municipality for the assistance he or she was not entitled to receive and that he/she is ineligible for assistance for the longer of: (a) a period of 120 days; (b) until he or she reimburses the municipality for the assistance; or (c) until he or she enters 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 his or her 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 his or her 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 he/she was 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 he or she has a right to reapply as soon as he or she has 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 his or her 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 his or her income for basic necessities or fails to reasonably document his or her use 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 his or her 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 to replace that income; and
- 4) If the applicant does not spend his or her 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 his or her 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 his or her 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 his or her 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 his or her pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his or her income and his or her 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 his or her 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 his or her search for housing. The allowed maximum for any applicant will be the categorical housing

maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

**Rental Payments to Relatives.** The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children. (22 M.R.S. § 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 his or her 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 he/she were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of his or her 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 his or her 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 he/she is responsible for finding alternative housing within his or her 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 his or her 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 his or her 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.

- (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 Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
- 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his or her need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the Administrator 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 his or her 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 he or she is 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 he/she applies 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 his or her 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 his or her 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 he or she believes the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

**Disbursement of General Assistance.** 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 his or her 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 his or her 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 he/she is 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 his or her 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 his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her 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, he/she will also be given adequate information about the hearing procedure to allow him/her to effectively prepare his or her case. The claimant shall be permitted to review his or her 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 his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes 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 his or her 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, he/she 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 his or her 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 he or she provides 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 he or she provides 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**

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## APPENDIX A – 2022-2023 GA Overall Maximums

Effective: 10/1/22 – 9/30/23

### Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	826	955	1,219	1,515	2,071
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,016	1,075	1,409	1,865	1,991
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	795	859	1,099	1,427	1,728
<b>Penobscot County HMFA:</b> 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	789	792	1,043	1,302	1,420
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish,	1,263	1,463	1,893	2,415	2,958

COUNTY	1	2	3	4	5*
Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach					
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	874	1,031	1,253	1,650	1,880
<b>York County HMFA:</b> Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,072	1,082	1,355	1,717	1,984
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	1,237	1,293	1,699	2,194	2,934

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

**Non-Metropolitan Areas**

**Persons in Household**

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	692	754	881	1,185	1,353
<b>Franklin County</b>	728	774	909	1,229	1,566
<b>Hancock County</b>	890	925	1,110	1,397	1,529
<b>Kennebec County</b>	819	835	1,038	1,360	1,451
<b>Knox County</b>	844	848	1,038	1,378	1,471
<b>Lincoln County</b>	925	941	1,178	1,463	1,912
<b>Oxford County</b>	814	815	993	1,400	1,627
<b>Piscataquis County</b>	701	752	926	1,227	1,477
<b>Somerset County</b>	755	790	1,017	1,323	1,416
<b>Waldo County</b>	970	972	1,155	1,441	1,970

COUNTY	1	2	3	4	5*
Washington County	756	758	982	1,228	1,343

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

## APPENDIX B – 2022-2023 Food Maximums

Effective: 10/01/22 to 09/30/23

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, 2022, those amounts are:

<b>Number in Household</b>	<b>Weekly Maximum</b>	<b>Monthly Maximum</b>
1	\$ 65.35	\$ 281.00
2	120.00	516.00
3	172.09	740.00
4	218.37	939.00
5	259.53	1,116.00
6	311.40	1,339.00
7	344.19	1,480.00
8	393.26	1,691.00

**Note: For each additional person add \$211 per month.**

## APPENDIX C – 2022-2023 GA Housing Maximums

Effective: 10/01/22 to 09/30/23

### (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	Weekly	Monthly	Weekly	Monthly
0	123	528	157	676
1	126	541	171	735
2	140	604	200	859
3	197	846	270	1,159
4	218	935	308	1,323

<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	564	165	712
1	131	564	176	755
2	147	632	206	887
3	207	890	280	1,203
4	267	1,148	357	1,536

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	176	755	204	875
1	176	755	211	908

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
2	205	883	253	1,089
3	260	1,120	319	1,373
4	276	1,187	349	1,500
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	159	684	187	804
1	159	684	190	818
2	189	811	237	1,017
3	252	1,083	311	1,336
4	258	1,109	331	1,422

**Non-Metropolitan FMR Areas**

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	157	709	193	831
1	165	673	193	831
2	189	811	237	1,017
3	256	1,101	315	1,354
4	263	1,129	335	1,442
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	184	790	212	910
1	184	790	215	924
2	221	951	269	1,157
3	276	1,186	335	1,439
4	365	1,570	438	1,883

<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	158	679	186	799
1	158	679	186	799
2	178	766	226	972
3	261	1,123	320	1,376
4	299	1,285	372	1,598

<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	125	537	159	685
1	125	539	171	733
2	151	649	210	904
3	206	888	279	1,201
4	246	1,059	336	1,447

<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	620	172	740
1	144	620	180	773
2	184	790	232	996
3	243	1,046	302	1,299
4	250	1,074	322	1,387

**Non-Metropolitan FMR Areas**

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	194	835	222	955
1	194	835	222	955
2	216	928	264	1,134

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
3	271	1,164	329	1,417
4	379	1,628	451	1,941
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	621	172	741
1	144	621	172	741
2	176	755	224	961
3	221	951	280	1,204
4	233	1,001	306	1,314

**Metropolitan FMR Areas**

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	161	691	189	811
1	181	780	218	938
2	231	992	279	1,198
3	288	1,238	347	1,491
4	402	1,729	475	2,042
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	205	881	233	1,001
1	209	900	246	1,058
2	275	1,182	323	1,388
3	369	1,588	428	1,841
4	383	1,649	456	1,962

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	153	660	181	780
1	159	684	196	842
2	203	872	251	1,078
3	267	1,150	326	1,403
4	322	1,386	395	1,699
<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	152	654	180	775
1	152	654	180	775
2	190	816	238	1,022
3	238	1,025	297	1,278
4	251	1,078	323	1,391
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	262	1,128	290	1,248
1	300	1,288	336	1,446
2	387	1,666	435	1,872
3	497	2,138	556	2,391
4	608	2,616	681	2,929
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	172	739	200	859
1	199	856	236	1,014
2	239	1,026	287	1,232
3	319	1,373	378	1,626
4	358	1,538	430	1,851

<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	218	937	246	1,057
1	218	937	248	1,065
2	262	1,128	310	1,334
3	335	1,440	394	1,693
4	382	1,642	455	1,955
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	256	1,102	284	1,222
1	260	1,118	297	1,276
2	342	1,472	390	1,678
3	446	1,917	505	2,170
4	603	2,592	676	2,905

## APPENDIX D – 2022-2023 Electric Utility Maximums

Effective: 10/01/22 to 09/30/23

### 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 – 2022-2023 Heating Fuel Maximums

Effective: 10/01/22 to 09/30/23

<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 – 2022-2023 Personal Care & Household Supplies Maximums

Effective: 10/01/22 to 09/30/23

<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 46 cents (46¢) 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: 10/01/22 to 09/30/23

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**.

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 \$1,025.

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).]

10.D

# Memorandum

September 25, 2023

To: Erin Herbig, Belfast City Manager

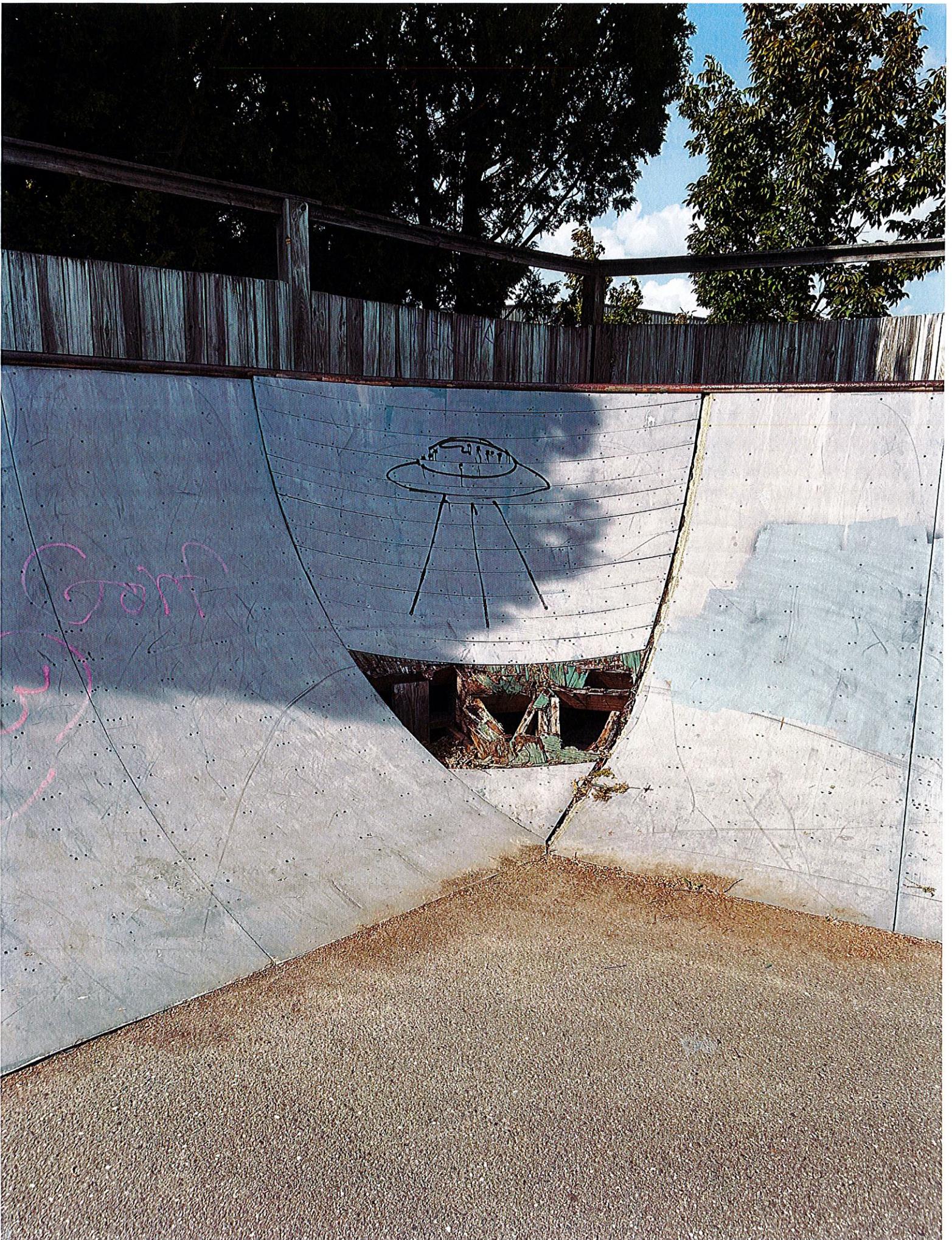
Honorable Mayor Sanders and Belfast City Council

From: Zach Dozier, Belfast City Council

Re: Overlock Skate Park Ramp Repair

A ramp in Overlock Skate Park is in need of repair. Two ramps have had large holes in the skating surface for at least six months. It is my opinion that the current state of these ramps is unsafe. I have been in contact with Nikadimus Cody, a long-time user and steward of Overlock Skate Park about the possibility of him repairing the affected ramps. Mr. Cody, a local builder who has built and repaired ramps for Overlock Park in the past, expressed his willingness to do the work and provided a rough estimate of \$3,200.00 for labor and materials. He did state that this has been a recurring problem, and that water collects in these spots. He also brought up the age of the entire park, and the possible need while repairing these holes, to repair any rotten framing that may be encountered. Mr. Cody brought to my attention money that has been raised by a community group to fund a new skate park. I believe that these holes represent an immediate safety concern for users of the current Skate Park. Upon speaking with Mr. Cody, he agreed with my assessment, and was amenable to monies that had been raised for the building of a new skatepark being used to pay for this repair of the current skatepark. Mr. Cody was heavily involved in the raising of these funds. He stated that the current park is reaching the end of its life, and that it is probable that the framing is beginning to rot. Because of this, it is my recommendation that Council approve the use of up to \$4,000.00 to repair the current damage to level that is safe for the public, and for funds to be taken from account 730-833.







Memo to Erin Herbig, Belfast City Manager

From Katherine Given, Belfast Harbor Master

Re: Council agenda October 3, 2023

Charter Vessel Contracts 2024

Following are the charter vessel and commercial contract requests for the 2024 summer season which will operate from both the City Landing and Thompson’s Wharf slip facilities.

Two of these requests are from charter vessel operators who had approved contracts last year: Alex Pelling with the m/v *Back and Forth*, And Jack Ives with the schooner *Charm*. No changes are requested from these contract holders for either the nature of the business operation or contracts.

American Cruise Lines, who have operated for close to 20 years from the Belfast City Landing, but the past 3 years have not been running due to COVID and building a new ship, have requested to return next season with their new ship the *American Eagle*, a 243’ catamaran. The *American Eagle* is licensed for 109 passengers and has a crew of 50. Their 12 week schedule request is to stay two consecutive days/week in Belfast starting in July, which gives the passengers and crew more time in town than their previous schedule of one afternoon per week. The vessel specifications and schedule are attached.

Joshua Jacques, Captain of the 92’ schooner *Tree of Life*, has requested to operate windjammer trips from the City Landing starting in 2024. Josh is requesting an overnight slip for 3 days/week between his 3 and 6 day trips in Penobscot Bay. The vessel will carry 6 passengers so will be a very exclusive windjammer experience. His proposal as well as a picture of the *Tree of Life* is also attached.

All of these vessel requests will operate with a Concessions, or overnight contract with the City, which includes required insurance and conditions for operations. The Harbor Advisory Committee does not recommend any amendments to the contracts at this time.

Following are the contract requests for 2024:

Charter Vessel:

- Alex Pelling	28’ m/v ‘Back and Forth’	custom service	6 pax	Concessions Contract	City Landing
- John Ives	85’ schooner ‘Charm’	2 – 3 hour day sails	34 pax	Concessions Contract	Thompson’s
- Josh Jacques	92’ schooner ‘Tree of Life’	3 – 6 day sails	6 pax	Concessions Contract	City Landing
- Am. Cruise Lines	243’ catamaran ‘American Eagle’	2 nights/week	109 pax	Concessions Contract	City Landing

Fees for charter vessel and cruise ship contracts will be discussed by the Harbor Advisory Committee next month when we discuss the other Harbor Usage Fees and then approved by the Belfast City Council.

Requested action from Belfast City Council:

Approve all of the above charter vessel contract requests for the season of 2024.

September 23,2023

## **Schooner Tree Of Life Operational Intentions Belfast City Council**

To Whom It May Concern:

The schooner Tree of Life is seeking permission to operate for the foreseeable future out of Belfast Harbor. Our intent is to offer 3-6 night windjammer trips cruising Penobscot Bay. With the ability to only accommodate 6 guests overnight this will be a high end, intimate operation.

Our desire is to be a positive influence for everyone in the town. From homeowners, to business owners, and even the town itself, we want everyone to enjoy our presence and to see us as part of the community. Imagine having another tall ship's beautiful white topmasts down on the waterfront able to be seen from anywhere in town. Our hope is to draw people down to your amazing waterfront and help be a part of showing the community everything Belfast has to offer.



Length overall- 92'  
Length on deck- 72'  
Draft- 8.5'

**Who we are:**

Captain Paul Morse is the owner of the schooner and has been docking her in Belfast at least once a summer for the last 4 years. Paul holds his 100 ton USCG captains license, and has a deep passion for sailing Penobscot Bay.

The captain will be Joshua Jacques of Arundel, Maine. He and his wife owned and operated the Schooner Isaac H. Evans out of Rockland, Maine and know Penobscot Bay very well. Captain Josh holds his 100 ton USCG captains license and has been sailing his entire life.

**Operational Intentions:**

**Proposal-** We have a contract with the town where we operate from the town pier from either of the face docks. With us only needing it three nights a week at most the town would still be able to utilize the dock for other vessels most of the time. We would also install a large mooring at the edge of the harbor so we are able to work with the town and move to the mooring when the dock is needed. This is the preferred option.

Thank you for your consideration,

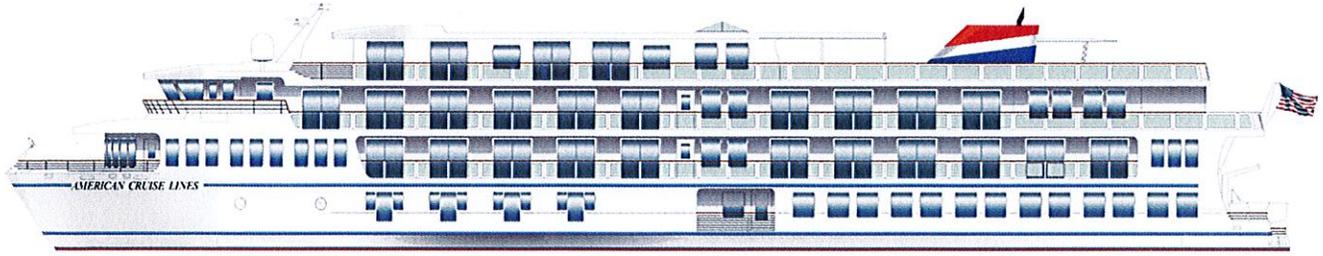
Schooner Tree of Life

## American Cruise Lines 2024 Docking Schedule at Belfast, ME - Town Dock

Dockings marked "Confirmed" have been guaranteed by the port, while Dockings marked "Requested" or "Flagged" have not been guaranteed.

Company	Vessel	Arrival Date	Arrival Time	Departure Date	Departure Time	Hours	Status
American Cruise Lines	American Eagle	Wed. Jul. 10, 2024	6:00PM	Fri. Jul. 12, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Jul. 17, 2024	6:00PM	Fri. Jul. 19, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Jul. 24, 2024	6:00PM	Fri. Jul. 26, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Jul. 31, 2024	6:00PM	Fri. Aug. 02, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Aug. 07, 2024	6:00PM	Fri. Aug. 09, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Aug. 14, 2024	6:00PM	Fri. Aug. 16, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Aug. 21, 2024	6:00PM	Fri. Aug. 23, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Aug. 28, 2024	6:00PM	Fri. Aug. 30, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Sep. 04, 2024	6:00PM	Fri. Sep. 06, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Sep. 11, 2024	6:00PM	Fri. Sep. 13, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Sep. 18, 2024	6:00PM	Fri. Sep. 20, 2024	9:00AM	39.0	Requested
American Cruise Lines	American Eagle	Wed. Sep. 25, 2024	6:00PM	Fri. Sep. 27, 2024	9:00AM	39.0	Requested

Company	Vessel	Length
American Cruise Lines	American Eagle	241
	American Independence	215



**Specifications of ACL American Eagle**

<b>Year of build</b>	2023 new ship	<b>Cabins</b>	56
<b>Flag state</b>	USA	<b>Decks with cabins</b>	4
<b>Builder</b>	Chesapeake Shipbuilding (Salisbury, Maryland USA)	<b>Sister-ships</b>	American Cruise Lines catamarans
<b>Class</b>	Project Blue/ACL Coastal Cat	<b>Christened by</b>	Carol Ann Robertson
<b>Building cost</b>	USD 20 million	<b>Owner</b>	American Cruise Lines Inc
<b>Speed</b>	18 kn / 33 km/h / 21 mph	<b>Operator</b>	American Cruise Lines
<b>Length (LOA)</b>	74 m / 243 ft	<b>Passengers</b>	109
<b>Beam (width)</b>	17 m / 56 ft	<b>Crew</b>	50

<b>Gross Tonnage</b>	3000 gt	<b>Decks</b>	5
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**MS American Eagle** (2023-built) is the first "Coastal Cat" in a 12-unit series by [ACL-American Cruise Lines](#)' "Project Blue". This new for ACL "catamaran ship" class is represented by 12 same-designed sisterships launched two units per year - 2023 (Eagle, [Glory](#)), 2024 ([Liberty](#), [Legend](#)), 2025, 2026, 2027, and 2028.

American Eagle cruise ship deck plan shows a total of 56 staterooms for 109 passengers served by 50 crew/staff. The boat has 5 decks (4 with cabins, accessible via 2 elevators/midship lifts and stairs), 1 Dining Room (Restaurant and Kitchen), 2 indoor bar lounges (both with access to an outdoor terrace/forward and stern), an open-floor design Vestibule (4-deck Atrium with SkyLight/glass roof cover), Gym/Fitness Center, Games Room, Laundry Room, Pilothouse/Wheelhouse, Sun Deck (sunbathing and shaded seating areas, walking lane/track, live plants, 4x funnels/funnels/smokestacks), Helideck (deck 5).

### **Introduction to the American Eagle Cruise Ship**

The American Eagle, with its perfect blend of luxury and expeditionary spirit, has recently been introduced as a beacon of American craftsmanship. With a unique capacity for 100 guests, it offers a one-of-a-kind cruising experience that's both intimate and adventurous. Before we delve deep into the ship's engineering marvels, let's get an overview of what the ship offers.

### **A New Paradigm in Cruise Ship Design**

The American Eagle is not just another ship; it is a pioneer of the American Cruise Lines' Coastal Cat class. Tailored with a refined aesthetic, the ship embraces the culture and history of New England, Chesapeake Bay, and the Southeast. The hues, furnishings, and artwork all merge to create an onboard atmosphere that pays homage to U.S. history.

### **Technical Specifications & Unique Features**

**Land Proximity:** Unlike its ocean-bound counterparts, the design of the American Eagle ensures land is always in sight. This unique feature allows it to venture into small ports, navigate almost any U.S. waterway, and offers passengers a rich experience at every stop.

**Swim/Activity Platform:** Situated at the ship's stern, this platform offers kayaks and a tender for local exploration, allowing passengers to immerse themselves in water-based adventures.

### **Stability & Mobility**

Achieving the perfect balance between stability and the flexibility to access remote areas is a challenge. The Coastal Cat's design offers the stability of river cruise ships with the adventure spirit of expedition vessels.

### **Sustainable Design Elements**

Today, sustainability isn't just an option; it's a necessity. The American Eagle is equipped with state-of-the-art waste management systems and energy conservation methods, ensuring it leaves a minimal carbon footprint while cruising.

### **Charting a New Course in the Cruising World**

After passing sea trials with distinction, the American Eagle is set to revolutionize the U.S. cruising landscape. Being the first of 12 Coastal Cats that American Cruise Lines plans to introduce, this ship sets the tone for future maritime innovations.

### **A Game Changer in U.S. Cruising**

The American Eagle signifies more than just a new ship. It represents a leap forward in U.S. cruising, combining luxury, sustainability, and accessibility. Charles B. Robertson, President & CEO of American Cruise Lines, aptly summarizes its

significance: "American Eagle embodies our continued commitment to building new small ships to explore America's rivers and coasts." It's more than just a ship; it's a symbol of the future of U.S. cruising.

10.F



CITY OF BELFAST, MAINE 04915  
131 Church Street

PLANNING AND CODES DEPARTMENT

Phone: (207) 338-3370 ext. 125

Fax: (207) 338-2419

Email:

[planningandcodes@cityofbelfast.org](mailto:planningandcodes@cityofbelfast.org)

## MEMORANDUM

DATE: September 26, 2023

TO: Belfast Mayor and City Council

FROM: Bub Fournier, Director of Planning and Codes Department

RE: Curbside Belfast – Winter 2023-2024

### **Background Information:**

The Belfast Planning and Codes Department has facilitated permitting for the City's Curbside outdoor dining program since its inception in 2020 at the onset of the Covid-19 pandemic. The program has been a great success and a welcome addition to the streetscape in Downtown Belfast.

Each year since the beginning, the program has been extended through the winter months, with appropriate winter standards in place. The general Curbside program runs from May 1<sup>st</sup> through October 31<sup>st</sup> each year and has been extended through the winter every year so far.

I am enclosing the parameters of the 2022 winter extension, so that a discussion can occur, and a direction may be chosen for this year's winter season. Last year, Downshift Coffee was the sole winter participant. This summer's participants included Darby's, Downshift, Alexia's, Delvino's and Fon's.

**Requested Action:** I request that the City Council discuss this winter's Curbside program and direct staff to generate appropriate permitting documents to facilitate the program.



## **CURBSIDE BELFAST 2022 WINTER OUTDOOR RESTAURANT PERMIT APPLICATION**

### **1: INTRODUCTION**

Consistent with the City of Belfast's efforts to assist downtown businesses navigating options for outdoor spaces and to maintain a vibrant year-round downtown area, Curbside Belfast is extending the 2022 season through the winter with the following guidelines and permitting options.

The City of Belfast is excited to offer an Extension of Use Permit and Curbside license available to businesses that are located within Belfast's downtown. All 2022 Curbside Extension licenses issued will be effective beginning November 1st, 2022 and will expire on April 31<sup>st</sup>, 2023.

Original 2022 program licenses are in effect until October 31, 2022. Belfast City Council, on October 18, 2022 approved an extension of the program. No Curbside Belfast permits or licenses will be carried over from the normal season unless a new application is submitted and approved for an establishment. Applications for the 2022 Curbside Belfast Winter Extension must be received no later than October 31, 2022. After that date, applications will be reviewed as received and no guarantee can be made on continuous operation from the regular season Curbside program to the Extension. The requirements of this Curbside Belfast 2022 Winter Extension are the same as the 2022 normal season, with some added measures for snow/ice consideration as well as modifications to requirements for businesses keep their Curbside space open.

Fees for the 2022 Curbside Belfast program are summarized below:

Combined expansion of use permit fee, annual Curbside license fee similar to lunch wagon or victualer's, and annual lease fees for City space for 6-month period will be **\$250.00**.

### **2: REQUIREMENTS**

The Curbside Belfast program will be available to businesses in the Downtown Commercial and Waterfront Mixed Use 1 and 2 zoning districts only. For this program, businesses may only utilize public space immediately adjacent to their property. Expansions of Use on private property are not eligible for the program.

All Outdoor areas must:

- Only occupy the portion of abutting public property which least infringes on public use, passage, and traffic as determined by, and at the complete discretion of, the City of Belfast. No more than (2) parking spaces or approx. 400 sqft may be utilized for

the new program. (Angled parking areas may be allowed to infringe on one additional space to provide a rectangular shaped Curbside area.)

- Use this outdoor space to be open for business 3 out of 7 days per week. Business will also be allowed to close for a period of two weeks but must continue to maintain the space throughout the 6 month period.
- Be as continuous as possible by locating the outdoor area in a single portion of an establishment's frontage and not extend in front of an adjoining establishment without written permission from the neighboring property owner.
- Not encroach, impede or obstruct a public walkway. A safe path must be maintained at all times of at least 3 feet in width to allow for pedestrian movement.
- Not block building entrances, accessible parking spaces, firetruck access, dumpster access, and any furniture or fixtures related to outdoor areas must remain completely unobstructed.
- Be located on a smooth surface, compliant with accessibility and life safety codes. A raised platform for your Curbside area is strongly recommended.
- Use physical barriers (i.e., fences, barricades, etc.) to visually distinguish the boundary of the outdoor area is required.
- Use non-permanent structures which can be set up and broken down, but they will be allowed to be left in place until the expiration of the permit, including overnight and on days when a business is closed.
- Provide Lighting and comply with the Electrical Code (NEC). Consumer-grade extension cords cannot be used to deliver electricity to an outside area; establishments wishing to extend electricity to an outside area are strongly recommended to consult with a qualified electrician.

On-premise expansions of use will need traditional permitting and do not require a Curbside Belfast license from the City. If an establishment already has its own adjacent side and/or rear areas, they may apply for expansions of use through traditional permitting paths. Please contact the City's Planning and Codes Department for more information at 207-338-3370 X125.

All improvements (i.e., furniture, fixtures) used in the outdoor area must be temporary in nature and there shall be no penetration of public walkway surfaces. Heat sources must comply with local, state and federal laws.

The City of Belfast will be placing traffic barriers along public streets for increased safety. Please refer to Design Requirements for details about enhancing aesthetics of these safety features.

All outdoor areas shall be under the responsible direction and control of the licensee as identified in this application.

A license, if granted, will only be valid during the hours of 6:00am to 10:00pm each day, Sunday through Saturday, and shall expire 1 year from the date of issuance, unless renewed.

The establishment must comply with all applicable city, state, and federal laws and regulations, including the Americans with Disability Act. Snow loads shall be considered for any roof areas.

The establishment is responsible for any ice and snow removal. Ice and snow removal shall, within a reasonable time after snow ceases to fall in the daytime, and before 10:00 in the morning on the first business day after a fall of snow in the night, cause to be removed from the space so much of the snow and ice as will create a reasonable passage sufficient for pedestrian traffic.

### **3: INSURANCE AND LIABILITY (PLEASE CONSULT WITH YOUR INSURANCE CARRIER REGARDING THE FOLLOWING ITEMS)**

The establishment understands and expressly assumes all the risk of operating and conducting business under this permit.

As a condition of being granted this license, during the term of this license, the licensee shall defend, indemnify, save and hold the City of Belfast, and its inhabitants, officers, employees and agents completely harmless from and against any and all liabilities, losses, suits, claims, costs, expenses, judgments, fines or demands arising by reason of injury to or death of, or asserted by, any person or persons, including the permittee's agents, clients, invitees or employees, or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorney's fees, court costs, and expert witness fees), of any nature whatsoever arising out of or incident to this permit and/or the use, occupancy, conduct, or management of the demised premises or the acts or omissions of the permittee's officers, clients, agents, employees, contractors, subcontractors, licensees, or invitees, except to the extent such injury, death, or damage is caused by the negligent acts or omissions of the City, its agents, employees, clients or invitees. The licensee shall give to the City reasonable notice of any such claim or actions. The licensee shall also use counsel reasonably acceptable to the City in carrying out its obligations under this article.

The licensee further expressly agrees that it will defend, indemnify, save and hold the City of Belfast harmless from any and all claims made or asserted by the licensee's agents, servants or employees arising out of the licensee's activities under this license. For this purpose, the licensee hereby expressly waives any and all immunity it may have under Maine's Workers Compensation Act in regard to such claims made or asserted against the City by the licensee's agents or employees. For this purpose, the licensee further expressly waives any charitable immunity it may have under applicable law as to any and all claims of any person made or asserted against the City arising out of the licensee's use and occupancy of the demised premises or other activity of the licensee under this license.

The indemnification provided under this section shall extend to and include any and all costs incurred by the City to answer, investigate, defend and settle all such claims, including but not limited to the City's costs for attorney's fees, expert and other witness fees, the cost of investigators, and payment in full of any and all judgments rendered in favor of the licensee's agents, invitees, licensees, clients, servants or employees against the City in regard to claims made or asserted by such persons.

In exercising the rights granted under this license, the licensee shall at all times be regarded as an independent entity conducting its own business and operations and shall not at any time act, hold itself out or purport to act as an agent, contractor, co-partner, joint venture or employee of the City.

The licensee, during the entire term of this license shall maintain, at its sole expense, insurance in the type and amount shown below with companies authorized to do business in the State of Maine for the protection of the City of Belfast against any and all liability, including wrongful death, against all claims, losses, costs or expenses arising out of injuries to persons whether or not employed by the licensee or damage to property whether resulting from acts, omissions, negligence or otherwise of the licensee, its directors, officers, clients, employees and agents and arising from the licensee's use of the demised premises or any part or portion thereof: 1) commercial general liability insurance with a minimum limit of \$1,000,000 combined single limit per occurrence and \$2,000,000 in the aggregate; and 2) workers compensation and employers liability insurance with a minimum limit of \$500,000 per occurrence.

The licensee shall cause to be furnished to the City, at the time of execution of this license, evidence in the form of certificates of insurance of the existence in force of the insurance required hereunder. Said certificates shall name the City as an additional insured and loss payee. The licensee shall cause to be furnished to the City replacement certificates of insurance whenever the insurance policies are renewed. The City shall be notified prior to any changes or discontinuances of coverage.

The City agrees to promptly notify the licensee in writing of the existence or filing of any claim, demand or action arising out of an occurrence covered hereunder of which the City has knowledge, and to cooperate with the licensee in the investigation and defense thereof.

The minimum insurance coverage required under this article shall be deemed to be automatically adjusted whenever the Maine State Legislature shall increase the City's maximum liability beyond such minimums for personal injury, wrongful death or property damage claims brought under the Maine Tort Claims Act. In the event of such an increase, the minimum insurance coverage required shall be no less than the amounts required herein or no less than the City's maximum liability for such claims under the Maine Tort Claims Act, whichever is greater.

#### **4: ENFORCEMENT**

The rights and duties granted herein shall be under the supervision and control of the City of Belfast's Code Enforcement Officer and the City of Belfast's Chief of Police. For this program, extension of use permits are reviewed by the Code Enforcement Officer. In the event of a breach of this license by licensee, the City may, for the first breach, issue a verbal warning to Licensee; in the event of a second breach, terminate this License.

Notwithstanding these provisions regarding penalties for breaches or any other provision of this license, in the event that the City, in its sole discretion, determines that further use of the premises under this license is not in the best interests of the City, the rights granted herein may be suspended or terminated upon 24 hours written notice to the licensee.

At the end of the term of this license, or if this license is suspended or terminated, all fencing, tables, seating, or equipment must be removed from any City of Belfast public walkway or public area. The City may move or remove any of said items if they are not removed before the end of the term of this license or before the 24-hour notice period expires.

**5: APPLICATION (ALL RESPONSES ARE REQUIRED):**

Legal Name: \_\_\_\_\_

DBA Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_ Belfast, ME 04915

Mailing Address: \_\_\_\_\_  
Street/PO Box City State Zip

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email address: \_\_\_\_\_

Name, address, telephone number of Property Owner (if property is rented or leased, need a copy of rental agreement / lease):

Which hours do you plan to have these additional areas open (no earlier than 6:00am, and no later than 10:00pm)? \_\_\_\_\_

**For extension of License on Premise**

License # (if requesting extension of liquor license): \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Reason for Request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On the following page, sketch out your plan for your outdoor area. In your sketch you must include and clearly indicate the relative locations of the following components:

- existing dimensions/boundaries of your business;
- parking spaces, public walkways, and/or adjacent areas that you are looking to utilize; Please indicate contiguous and non-contiguous space you plan to use.
- path(s) through your area(s) that will allow for pedestrian traffic;
- optional platform specifications/drawings
- arrangement of tables and other structures which have proper spacing;
- barriers to be used;
- awnings, umbrellas, and/or other rain- and sun-shielding devices to be used (optional)
- lights or lighting systems to be used; and
- reflectors to be used.

For extension of use on premises, traditional permitting will be required.

Please contact the City of Belfast Planning and Codes Department for further assistance at 207-338-3370 X125.

\_\_\_\_\_  
Signature of Owner/Corporate Officer

\_\_\_\_\_  
Printed Name of Owner/Corporate Officer

**EXTENSION AREA PREMISE DIAGRAMS**

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a Curbside license. Diagrams should be submitted on this form or attached and should be as accurate as possible. Be sure to label the areas of your diagram including methods of monitoring and containment of certain area which you are requesting approval from the Division of liquor consumptions.

## **6: SUBMISSION OF YOUR COMPLETED APPLICATION**

When completed, please submit your application via regular mail or via e-mail to:

Steve Wilson  
Code Enforcement Officer  
City of Belfast  
Belfast City Hall  
131 Church Street  
Belfast, Maine 04915  
[ceo@cityofbelfast.org](mailto:ceo@cityofbelfast.org)



Downshift Coffee

open

39

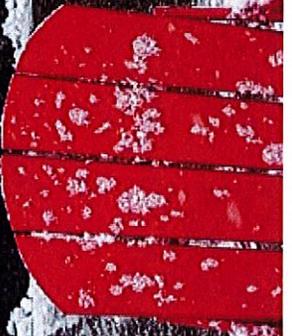
Kees



Kees

Breakfast

FRESH • EVERY



September 27, 2023

*VIA E-MAIL ONLY*

Erin Herbig, City Manager  
131 Church Street  
Belfast, ME 04915

**Re: Upstream Watch Appeal**

Dear City Manager Herbig:

Thank you again for the opportunity to provide representation to the City of Belfast Zoning Board of Appeals as conflict counsel. I am following up with this letter to formalize the engagement.

**SCOPE OF ENGAGEMENT**

My engagement is focused on advising the Belfast Zoning Board of Appeals regarding an appeal filed by Upstream Watch of a Planning Board decision. Since the City Attorney is representing the Planning Board in this appeal, in order for the Zoning Board of Appeals to have legal representation it would need separate counsel for conflict purposes.

**MATTER RESPONSIBILITY AND FEES**

I will be your primary contact for this matter. Our fees are charged on an hourly basis, and billed in accordance with applicable ethical rules. For this matter I will bill a discounted hourly rate of \$225.00.

**BILLING**

We utilize a computerized system that generally sends bills by the fifteenth of every month for all work performed and disbursements made during the preceding month. Please notify me within fifteen days following receipt of any invoice if you have any disagreement with respect to the balance due or the itemized statement.

**GENERAL TERMS AND CONDITIONS**

Other material terms and conditions of this engagement are set forth in the attached Standard Terms and Conditions and incorporated herein by reference. Acceptance of this engagement letter also constitutes acceptance of an agreement to abide by the Standard Terms and Conditions. If any of these are not acceptable, please advise so that we may resolve any

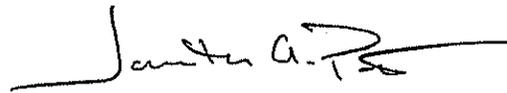
differences and proceed with this engagement with a clear understanding of the essential terms of our business relationship.

Please understand that while I cannot guarantee the outcome or success of this or any other engagement or professional undertaking, I will strive to represent and serve the City's interest effectively, efficiently, and responsibly while endeavoring to accomplish the City's goals and objectives.

Please review this letter and the attachment carefully and if you understand and agree with the terms of engagement, please sign below and return it to me.

Once again, thank you for the opportunity to be of service to the City of Belfast.

Best regards,

A handwritten signature in black ink, appearing to read "Jonathan A. Pottle". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan A. Pottle

I have read and understand this letter and the attachment and agree to engage Eaton Peabody on the terms and conditions set forth therein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Erin Herbig, City Manager



## **STANDARD TERMS AND CONDITIONS**

### **1. SCOPE OF ENGAGEMENT**

You have engaged Eaton Peabody (the "Firm") to represent you and perform the services listed in the engagement letter accompanying these Terms. One of the purposes of the engagement letter and these Terms is to provide you and this office with a clear and understandable statement of the scope and terms of your engagement of us and to foster a cooperative and professional relationship between attorney and client. These terms will apply except to the extent specifically modified in the engagement letter or other writing.

### **2. RATES AND CHARGES**

Eaton Peabody strives to provide all legal services in an efficient and cost effective manner, and we will bill you in an amount which, in our judgment, reflects the fair value of the services rendered. Where appropriate we will bill a fixed fee amount for a discrete task. In the performance of drafting and negotiation of complex instruments and transactions it is often impossible to fix a fee for that service and we will bill based upon time and other relevant factors. All attorneys and certain other Firm personnel record their time. Each is assigned an hourly rate for a particular project. Rates may vary depending on the person working on the project and on the nature of the services required. Often, fees are based primarily on time devoted to a matter. Current hourly rates for those actively working on your project are available upon request. Rates are subject to periodic adjustment without notice. In addition to hours devoted to a matter, we may also consider, where appropriate, such factors as the nature of the services performed, any special expertise required, the size of the project, the level of responsibility assumed, special time deadlines imposed for completion of work, the result obtained and other relevant circumstances. Time charges include all work performed on a project such as conferences, telephone calls, email and other correspondence, and review and preparation of documents and travel.

In addition to fees for services, you also are responsible for payment of costs incurred by the Firm in connection with the services performed including travel expenses, photocopy and facsimile charges, filing fees and telephone charges. We reserve the right to request advance payment of any significant disbursements.

### **3. FIXED FEES AND ESTIMATES**

Certain routine services, such as certain business entity formation, annual corporate maintenance and filings, are billed on a fixed fee basis. If applicable, those fees will be explained to you at the time of our engagement. Fixed fees normally are payable in advance.

Our engagement letter may set forth an estimate of charges to be incurred in connection with the matter described in the letter. While our estimate is a good faith projection of the range of fees likely to be incurred in rendering the described services, unforeseen contingencies may arise in connection with any matter, and there can be no assurance that our estimate will prove

accurate. The final cost may be more or less than the estimate. If at any time it appears that we will substantially exceed our fee estimate, we will consult with you and will provide a revised estimate before proceeding.

#### **4. ADVANCES**

It is our general practice to require that a retainer be paid before services are performed. The amount of the retainer required will vary from case to case but generally represents an estimate of fees likely to be incurred in the first billing period, which normally is monthly. We also reserve the right to require direct payment in advance of significant disbursements such as for engagement of outside consultants or for travel expenses. Amounts on retainer are credited against disbursements and services as they are incurred. Unless you have expressly agreed that your retainer is to be nonrefundable, any amount remaining on retainer at the conclusion of a matter will be refunded to you or credited to your account on any other pending matter as to which you have engaged us. The requirement of a retainer may be waived for existing clients with a good credit history or in other unusual circumstances.

#### **5. ACCOUNTANT AND EXPERTS**

If, in our opinion, it is advisable for you to engage an accountant, consultant or other expert, and you have not engaged such an expert we will recommend such an expert to you. If we are to engage the services of the expert on your behalf we will obtain your consent prior to engaging his or her services. You will be independently responsible for his or her charges unless other specific arrangements are made.

#### **6. BILLING**

Unless other arrangements have been made, we bill on a monthly basis. Retainer payments are applied against monthly billings. We request payment for all services and expenses within thirty days from the date of our monthly statement and reserve the right to charge a late fee for balances not paid within thirty days. While we will work diligently to perform the services as to which we have been engaged, we cannot guarantee results. Accordingly, unless your engagement letter expressly states otherwise, payment for our services is not contingent on the successful conclusion of any transaction or other matter.

#### **7. INSURANCE**

It is possible that you may have insurance policies relating to the subject of our engagement. You should provide us with copies of all applicable insurance policies and, if coverage may be available, we will, either notify the insurance company about the matter as soon as possible or urge you to do so. We do not undertake any responsibility to advise you on the existence, applicability, or availability of insurance coverage for any of the matters handled by us unless you have provided us with copies of your policies of insurance and expressly requested our advice on potential coverage under those policies. If an insurance company undertakes the payment of any portion of our statements, you will still remain responsible for any amounts not paid by the insurance company.

## **8. WITHDRAWAL**

We reserve the right to withdraw from representing you at any time and for any reason. In addition, while we endeavor to identify conflicts of interest at the outset of an engagement, in the event a conflict is discovered or arises after our engagement, we may be required to withdraw from representing you as a matter of professional responsibility. You will remain responsible for payment of our fees up to the date of our withdrawal. In the event we withdraw, we will provide you with sufficient notice so that you will have the opportunity to employ other counsel.

## **9. CONFIDENTIALITY AND ATTORNEY-CLIENT PRIVILEGE**

In instances in which Eaton Peabody undertakes to represent a corporation or other business entity, its professional obligations are owed to that entity and not to its shareholders, officers, directors, managers or members in their individual capacities. Any such person who feels the need for separate individual counsel is encouraged to seek such counsel from other sources.

Communications between our clients and representatives of the Firm are regarded as strictly confidential. Any such communications made in the context of the attorney-client relationship may also be legally privileged. You should be aware, however, that communications between you and this Firm, including but not limited to email communications, which are shared or otherwise made available to third parties are not privileged, and we may later be legally required to divulge such communications. In addition, conversations between us and shareholders, officers, directors, managers, members or employees of a client are not privileged as to, and may be disclosed to, other shareholders, officers, directors, managers, members or employees of that client.

## **10. INQUIRIES**

Any attorney-client relationship is one of mutual trust and confidence. We do our best to see that our clients are satisfied not only with our services but also with the reasonableness of the fees and disbursements charged for those services. Whenever you have any questions or comments regarding our services, or the status of your file(s), or whenever any new facts or considerations come to your attention, you should contact the attorney who is principally responsible for your matter. We also encourage you to inquire about any matter relating to our fee arrangements or monthly statements that are in any way unclear or appear unsatisfactory.

## **11. FILE RETENTION AND DESTRUCTION**

At the completion of the case or matter, we may return your file to you for safekeeping. Otherwise, your file will be retained for a reasonable time period established by Firm policy after which it will be destroyed. If you want us to keep your file for a longer period of time or if you are at all concerned that the documents and materials in your file might be destroyed over time, please request your file at the completion of the case or matter.

## **12. OTHER SERVICES AND FUTURE ENGAGEMENTS**

We look forward to representing you in this matter and others. We are a full service law firm and offer an array of legal services. We also offer legislative, economic development and other services through our affiliate, Eaton Peabody Consulting Group. We would be happy to discuss with you how we might serve your other legal needs. Please note that although our engagement letter may apply to your representation on a particular matter, if you engage us in any other matter, the letter and these Terms will apply unless specifically modified.

## **13. EMAIL COMMUNICATIONS**

E-mail communication is common, efficient, convenient, and cost-effective. However, the security and confidentiality of e-mail is difficult to assess and can be compromised. If you send us e-mail messages, we will assume that you have investigated and are satisfied with the security and confidentiality of the e-mail address(es) and system(s) from which you send them and that you accept the risks of harm resulting from unintended or unwanted disclosure of messages that you send to us or that we send to you using such e-mail address(es) and system(s). Therefore you and we agree that, by sending e-mail message(s) to us, you are authorizing and directing us to communicate with you by e-mail to the address(es) used by you on all matters related to the representation, including sensitive and private information and opinions.

Notification: 10301008030

Work Order: 801000569383

CENTRAL MAINE POWER COMPANY  
APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: BELFAST, Maine

To the:  City  
 Town  
 County of: Waldo, Maine

- Central Maine Power hereby applies for permission to:
  - Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.
  - Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

Central Maine Power Company and Consolidated Communications of Northern New England Company LLC jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: INTERSECTION OF BANKS RD. AND ROLERSON RD.
2. Road (State & CMP): ROLERSON RD. ( MAIN FEEDER LN.)
3. Direction: SOUTH EAST
4. Distance: 1281 feet
5. Number of Poles: 4

- Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.
- Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

Public Notice of this application has been given by publishing the text of the same  Not Published

In: \_\_\_\_\_  
On: \_\_\_\_\_

CENTRAL MAINE POWER COMPANY Consolidated Communications of Northern New England Company LLC

By: Wayne Cookson Date: Sep 6, 2023 By: Danielle Godin Date: 09/12/2023  
For Stephen Polyot  
Right of Way Manager-Maine



Notification: 10301008030

Work Order: 801000569383

LOCATION PERMIT

Upon the Application of Center Maine Power Company and Consolidated Communications of Northern New England Company LLC

dated Sep 6, 2023, asking for permission, in accordance with law, to construct and maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances over, under, along or across certain highways and public roads in the location described in said application, permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location, said facilities and appurtenances in the City / Town of BELFAST

approximately located as follows:

- 1. Starting Point: INTERSECTION OF BANKS RD. AND ROLERSON RD.
- 2. Road (State & CMP): ROLERSON RD. ( MAIN FEEDER LN.)
- 3. Direction: SOUTH EAST
- 4. Distance: 1281 feet
- 5. Number of Poles: 4

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Municipal Officers

Office of the \_\_\_\_\_

Received and Recorded in Book \_\_\_\_\_, Page \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk



10.K

Notification: 10301008030

Work Order: 801000569383

CENTRAL MAINE POWER COMPANY

APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: BELFAST, Maine

To the: [X] City

[ ] Town

[ ] County of: Waldo, Maine

[X] Central Maine Power hereby applies for permission to:

[X] Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

[ ] Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

[X] Central Maine Power Company and Consolidated Communications of Northern New England Company LLC

jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: INTERSECTION POORS MILL RD. AND BANKS RD.

2. Road (State & CMP): BANKS RD. ( MORRILL RD. )

3. Direction: SOUTH WEST

4. Distance: 939 feet

5. Number of Poles: 1

[X] Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.

[ ] Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

[ ] Public Notice of this application has been given by publishing the text of the same

[X] Not Published

In: [ ]

On: [ ]

CENTRAL MAINE POWER COMPANY

Consolidated Communications of Northern New England Company LLC

By: Wayne Cookson

Date: Aug 29, 2023

By: Danielle Godin Date: 09/12/2023

For Stephen Polyot Right of Way Manager-Maine



LOCATION PERMIT

Upon the Application of Center Maine Power Company and Consolidated Communications of Northern New England Company LLC

dated Aug 29, 2023, asking for permission, in accordance with law, to construct and

maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances

over, under, along or across certain highways and public roads in the location described in said application,

permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location,

said facilities and appurtenances in the City / Town of BELFAST

approximately located as follows:

- 1. Starting Point: INTERSECTION POORS MILL RD. AND BANKS RD.
- 2. Road (State & CMP): BANKS RD. ( MORRILL RD. )
- 3. Direction: SOUTH WEST
- 4. Distance: 939 feet
- 5. Number of Poles: 1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Municipal Officers

Office of the \_\_\_\_\_

Received and Recorded in Book \_\_\_\_\_, Page \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk



10.L

Notification: 10300900944

Work Order: 801000571502

CENTRAL MAINE POWER COMPANY
APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: BELFAST, Maine

To the: [X] City
[ ] Town
[ ] County of: Waldo, Maine

- [X] Central Maine Power hereby applies for permission to:
[X] Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.
[ ] Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

[X] Central Maine Power Company and Consolidated Communications of Northern New England Company LLC jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

- 1. Starting Point: INTERSECTION OF CONGRESS ST. AND BRADBURY ST.
2. Road (State & CMP): CONGRESS ST. ( CONGRESS ST. )
3. Direction: WEST
4. Distance: 44 feet
5. Number of Poles: 1

- [X] Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.
[ ] Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

[ ] Public Notice of this application has been given by publishing the text of the same [X] Not Published

In:
On:

CENTRAL MAINE POWER COMPANY Consolidated Communications of Northern New England Company LLC

By: Wayne Cookson Date: Sep 12, 2023 By: Danielle Godin Date: 09/18/2023
For Stephen Polyot
District Manager, Maine



LOCATION PERMIT

Upon the Application of Center Maine Power Company and Consolidated Communications of Northern New England Company LLC

dated Sep 12, 2023, asking for permission, in accordance with law, to construct and maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances over, under, along or across certain highways and public roads in the location described in said application, permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location, said facilities and appurtenances in the City / Town of BELFAST

approximately located as follows:

- 1. Starting Point: INTERSECTION OF CONGRESS ST. AND BRADBURY ST.
2. Road (State & CMP): CONGRESS ST. ( CONGRESS ST. )
3. Direction: WEST
4. Distance: 44 feet
5. Number of Poles: 1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By:
By:
By:
By:
By:

Municipal Officers

Office of the

Received and Recorded in Book, Page

Attest:

Clerk

