



CITY OF BELFAST

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Belfast, Maine 04915

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MANAGER'S REPORT
Belfast City Council Meeting
Tuesday, October 1, 2024

6:30 p.m. Request to go into an Executive Session on a Personnel Matter pursuant to 1 M.R.S.A. 405 (6) A.

7:00 p.m. Regular Council Meeting

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

FROM: Erin Herbig, City Manager

DATE: Thursday, September 26, 2024

Agenda Items:

10-A Presentation on the 2024-2025 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 2024-2025 General Assistance Ordinance and State Derived Maximum Benefits for General Assistance Requests.

**NOTICE OF PUBLIC HEARING
CITY OF BELFAST CITY
PROPOSED AMENDMENTS TO THE 2024-2025 GENERAL ASSISTANCE
ORDINANCE and STATE DERIVED MAXIMUM BENEFITS FOR GENERAL
ASSISTANCE**

The City of Belfast City Council, at its meeting on Tuesday, October 01, 2024, 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-H) for the period of October 1, 2024, to September 30, 2025. 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 01, 2024, Regular Council Meeting.

2) Sending comment via email to public@cityofbelfast.org. All email comments must be received by 12:00 pm on October 01, 2024.

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 01, 2024.

The Council conducted the First Reading of the above amendments at its meeting of September 17th, 2024. 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, 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 2024-2025 General Assistance Ordinance and State Derived Maximum Benefits for General Assistance Requests.

This is a Second Reading, the First Reading was conducted at the Regular City Council Meeting of September 17, 2024. General Assistance Administrator Kristi Osgood recommends that a motion is made to approve the Second Reading as presented.

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 Discussion and potential action regarding the 2024-2025 Winter Curbside Belfast Program.

The Belfast Planning and Codes Department has facilitated permitting for the City's Curbside Belfast 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.

The summer Curbside Belfast Program runs from May 1st through October 31st each year and the winter Curbside Belfast Program runs from November 1st until April 31st each year. Each year since the program's inception, the City Council has reviewed the policy outlining program standards and qualifications prior to the start of each summer and winter season.

Recommendations from local business owners, City staff and members of the City Council have been discussed and amendments to the program have occurred to improve the policy.

At the September 17, 2024, Regular Council Meeting, the City Council received feedback on this program and suggested changes to the program from local business owners and residents. The City Council then provided direction to City staff regarding changes to the program they would like incorporated starting in the Winter 2024 Curbside season which include design requirements, required hours/days of operation, and a fee adjustment. City staff have generated the appropriate permitting documents to reflect these changes for Council review and adopt.

Please see the attached draft 2024-2025 Winter Curbside Permit Application, Design Requirements and Code Considerations (10-D) from the Director of Code and Planning Bub Fournier. Director Fournier will be at the meeting to review the draft documents and answer any questions.

10- E Request from the Director of Planning and Codes to purchase new Lenovo m50s computer for the Code Enforcement Officer.

The Belfast Planning and Codes Department purchased a new laptop computer for Code Enforcement Officer Steve Wilson in October 2020 when he was hired by the City of Belfast. Recently, the laptop has experienced issues and after consulting with the City's IT consultant David Collamore of Comdoctor, the best option was to purchase a new workstation computer.

If approved by Council, the Director of Code and Planning requests that a motion be made to authorize payment for a new computer for the Code Enforcement Officer's workspace for \$769.00 with funding to come from account #670-603 Office Equipment Reserve.

Please see the attached invoice (10-E) for a new 16 GB Lenovo m50s workstation for \$769.00 from Comdoctor, the City's IT consultant. Director Fournier will be at the meeting to present and answer any questions.

10-F Request from the Deputy Economic Development Director to submit a technical assistance request to the State of Maine's Governor's Office of Policy Innovation and the Future (GOPIF) Energy Efficiency for Rural Communities Technical Assistance Program (EEPRC) for energy audits at two City-owned facilities.

The State of Maine's Governor's Office of Policy Innovation and the Future (GOPIF) Energy Efficiency for Rural Communities Technical Assistance Program (EEPRC) is a one-time technical assistance program offered through the Community Resilience Partnership. The EEPRC program supports communities with energy efficiency planning for publicly owned facilities through energy audits, energy benchmarking training, and energy conservation plans.

Energy audits may include HVAC analysis, heat loss analysis, lighting analysis, building envelope analysis, and analysis of other energy sources and uses.

The EEPRC program is not a grant program. A successful application will not result in a funding award. Participating communities will receive technical assistance services as outlined in the program at no cost to the communities. Applications are due by October 4, 2024. Awards are anticipated in December 2024.

If approved by the City Council, the Deputy Economic Development Director requests that a motion is made to approve the submission request for technical assistance to the Energy Efficiency for Rural Communities Technical Assistance Program (EEPRC) for the City Hall and the former Superior County Courthouse; and to authorize the City Manager to sign all paperwork related to and necessary for the submission of this request.

Please see the attached memo (10-F) from Deputy Economic Development Director Joellyn Warren providing further detail. Deputy Director Warren will be at the meeting to present and answer any questions.

10-G Request from the Deputy Economic Development Director to accept Requests for Proposals and enter into a contract with GEI Consultants, Inc. to conduct and prepare a Belfast Vulnerability Assessment for the City of Belfast.

The City recently issued a Request for Proposals (RFP) for responses by professional service firms to perform a vulnerability assessment and develop climate adaptation strategies for the City's Harbor. The City was awarded a community action grant for \$50,000 through the Community Resilience Partnership of the Governor's Office of Policy Innovation and the Future (GOPIF) to fund a vulnerability and resilience plan.

Six firms responded to the RFP by the due date of September 5, 2024. Members of the Harbor Committee, Climate, Energy, and Utilities Committee, and staff reviewed, and numerically

ranked responses according to the established weights in the RFP. Based on the ranking, the firm, GEI Consultants, located in Portland, Maine, received the highest score. According to their response, GEI's waterfront structures team and landscape architects will lead the way on adaptation design strategies identified through the data and community-driven vulnerability assessment.

The scope of services to be performed must be started no later than October 1, 2024, and must be completed no later than June 30, 2025. Information collected as part of this Project will inform sections of their Hazard Mitigation Plan to be started as a separate and parallel project anticipated to begin in January 2025.

If approved by the City Council, the Deputy Economic Development Director requests that a motion is made to accept GEI Consultants, Inc. to perform a vulnerability assessment for the City of Belfast and enter into a contract with the consultant for professional services.

Please see the attached memo (10-G) from Deputy Economic Development Director Joellyn Warren providing further detail. Deputy Director Warren will be at the meeting to present and answer any questions.

10-H Request to accept a donation of \$500.00 from Atlantic Challenge USA.

The Parks and Recreation Department received a donation in the mail from Atlantic Challenge USA. Event organizer Arista Holden thanked the City of Belfast and the Parks and Recreation Department for the assistance provided to her group for the Atlantic Challenge week-long event

Only the City Council can accept donations on behalf of the City. If accepted by the Council City staff recommend that a motion be made to accept this donation and the funding be placed into Account G 1-2085-00 Boathouse Security Deposit. This account has a current balance of \$7,518.61. Director Salokangas further recommends these funds be utilized for the purchase of table racks and tables for the Boathouse.

Please see the attached memo (10-H) from Parks and Recreation Director Pam Salokangas providing further detail. I will be at the meeting to present and answer any questions.

10-I Public Hearing on a Condemnation Order regarding 74 High Street Map 37 Lot 151.

**NOTICE OF INTENT TO CONDEMN REAL PROPERTY INTERESTS
CITY COUNCIL OF CITY OF BELFAST, MAINE
(30-A M.R.S. § 3101 AND 23 M.R.S. § 3022)**

KNOW ALL PERSONS BY THESE PRESENTS; The City Council of the City of Belfast, Maine provides this notice pursuant to 30-A M.R.S. § 3101 and 23 M.R.S. § 3022.

On **September 17, 2024**, at 7:00 PM at Belfast City Hall, 131 Church Street, Belfast, Maine, and via remote video access, the City Council of Belfast, Maine will conduct a hearing and thereafter act on its intent to condemn the real property located at **74 High Street** and depicted on the City's Tax Maps as **Map 37, Lot 151**.

Thereafter, on September 17, 2024, the Belfast City Council intends to exercise its authority to condemn said real property pursuant to 30-A M.R.S. § 3101 and 23 M.R.S. § 3023.

This Notice of Intent to Condemn Real Property Interests was authorized to be posted at a meeting of the City Council on September 3, 2024. On September 11, 2024 this Notice was posted (i) at Belfast City Hall, 131 Church Street, Belfast, Maine; (ii) on the City of Belfast official website; and (iii) on the premises of 74 High Street, and was transmitted to 74 High Street, LLC by overnight mail c/o James Constable at 23 Barnard Road, Belmont MA 02478 and first class mail to P.O. Box 36, Belmont, MA 02478.

The property to be considered for condemnation is owned by 74 High Street, LLC by virtue of a deed recorded in the Waldo County Registry of Deeds at Book 3659, Page 117.

This is a second Public Hearing on this matter. The first Public Hearing was conducted by the City Council at the September 17th Regular Council Meeting and extended to the meeting of October 1, 2024.

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

10-J Council consideration of a Condemnation Order regarding 74 High Street Map 37 Lot 151.

City Attorney Kristin Collins will present the draft Condemnation Order regarding 74 High Street Map 37 Lot 151 and answer any questions.

At this time, the City Council may discuss, amend, table, or approve the Condemnation Order regarding 74 High Street Map 37 Lot 151.

If approved by the City Council, City Attorney Kristin Collins recommends that a motion is made to adopt the legislative findings read into the Council's record in relation to a Condemnation Order to be issued to take by eminent domain the real property located at 74 High Street and shown on the City's tax maps at Map 37, Lot 151, and to adopt and approve the Condemnation Order for said property as presented to [and amended by] the City Council following public hearing held on September 17, 2024 through October 1, 2024.

Please see the attached draft Condemnation Order (10-I and J) from City Attorney Kristin Collins providing further detail. Attorney Collins will be at the meeting to answer Council questions.

10-K Request to go into an Executive Session on a Legal Matter with the City Attorney pursuant to 1 M.R.S.A. 405 (6) E.

10-L Signing of Council Orders

On September 17th, the City Council passed a motion to adopt the Commitment of Property Taxes and set the Mil Rate of .0154 for the 2024 – 2025 Fiscal Year, finally revealing insight into what we can expect to see in our tax bills in the coming month. This is a reduction of 23.28% from last year’s mil rate of 0.0201.

In the 2023 tax bill as well as in a letter dated July 2024, all Belfast taxpayers were notified that the City of Belfast would conduct a city-wide revaluation for tax assessment in 2024.

When there is a large disparity between sales values and assessed values – less than 70% – municipal revaluation is required by state law. Earlier this year, the City of Belfast assessment-to-sales ratio dropped to 67%, consequently requiring a revaluation.

Property taxes provide funding for Regional School Unit #71 (\$10,909,170 or **52.25%**), the County of Waldo (\$2,129,311 or **10.20%**), and all City of Belfast municipal services such as Police, Fire, Ambulance, road paving and maintenance, sidewalks, streetlights, hydrants, snow

removal, the Belfast Transfer Station, the Belfast Free Library, parks, cemeteries, the harbor, the municipal airport, and all functions at City Hall (\$7,839,607 or **37.55%**).

The Belfast City Council strives to maintain a 100% certified ratio between assessed values and fair market values in order to allow Belfast taxpayers to receive 100% of any possible tax exemption benefits. Maximum exemption benefits would not have been possible if not for a city-wide revaluation this year.

Examples of exemption benefits include:

- Homestead
- Veterans and Widow/Widowers of Veterans
- Solar
- Business Equipment Tax Reimbursement Program (BETR)
- Business Equipment Tax Exemption Program (BETE)

Have you applied for all the exemption benefits you qualify for? Applications can be found on the City of Belfast website (www.cityofbelfast.org/82/Assessor) and are also available in the Assessing Office.

Midcoast Villager

A note from the publisher

Reade Brower, owner of The Courier-Gazette, Free Press, The Republican Journal and Camden Herald, is my hero, mentor, business partner — and most importantly — dear friend. For the past three years, I've been his adviser, helping facilitate the sale of 90% of his Maine newspapers, including the Portland Press Herald, to the Maine Trust for Local News in 2023. Now, on a mission to provide stronger, sustainable local news for our region, I'll be serving as co-publisher of the Midcoast Villager — our new, single, consolidated publication focused on bringing our community together through the stories that matter most to Midcoast Maine.

Reade's stewardship of local media in Maine in the last decade has been a true heroic act of patriotism and faith in our collective goodness. It has also been an act of love — for a free press and for all the communities his papers served.

From the day we met three years ago, Reade and I have slowly, together, crafted a new vision for what community media can be. Today we announce step one of bringing that vision to life: We'll be merging our legacy papers — together with their online presence, Village Soup — into one publication under a new name, the Midcoast Villager. Our vision is to build a stronger single newspaper for the region — one charged with convening the community, and working together to find solutions to the area's biggest issues through the power that comes from telling stories.

Collectively, the Free Press, The Courier-Gazette, Camden Herald and The Republican Journal have hundreds of years of history. They've served these communities as the papers of record and documenters of culture and place. In full transparency, Reade has invested significant resources to keep these papers going; they have struggled financially for years. It's no secret that local news everywhere is facing unprecedented challenges. The advertising industry has been decimated by Google and Meta. As with so much in our society today, the rules and ways of yesterday aren't working anymore in the media industry.

And yet we fervently believe that we need local media and community now more than ever. Emerging from this bleak media landscape is an opportunity, a challenge, and a chance to think big. Good thing Reade never backs down from a challenge. This change is not a cost-saving move; in fact, it is an investment in creating a more robust, impactful product for our region — because we truly believe the health and well-being of our communities is at stake. We've added staff, and in downtown Camden, in 2025, we're opening the Villager Café — a community café that will serve food and host events that bring our articles to life through concerts, discussions and more.

Midcoast Villager

Passing the torch is a popular phrase in politics these days, and it is one that aptly describes Reade's intentions in letting me take the lead as co-publisher of the Villager and managing partner of his properties. It is time for a bold new vision, new methods, new formats, new ideas. I have spent my career in media ushering in these kinds of changes, first at a literary agency, then Random House, then at Down East magazine where I was the youngest editor-in-chief and the first female to take that role. After 11 years living in Camden, I uprooted my husband and three little kids and we moved to Grand Cayman where I oversaw a transformation of the national newspaper and media company, the Cayman Compass. We chose to return for good for one primary reason: community.

I know firsthand the importance of this community we are lucky enough to live in. After I was diagnosed with breast cancer last October, my family has been supported and buoyed by this community in so many life-changing ways. It has taught me that what we have here is not to be taken for granted.

Reade and his wife Martha have been carrying the torch since they started The Free Press in 1985 (when I was 2 years old) with only a credit card and each other. They both stand beside me now, inspiring this vision and imagining a thriving, compassionate community lifted up by our work. It takes deep optimism and faith to conjure such a hopeful vision in today's headwinds.

I've always loved that quote by John Burroughs: "Leap and the net will appear." Reade, his wife Martha, myself and the team: We are all in. We are taking the leap. We believe in this community and its desire to better itself and the lives of all its villagers for the future. The Midcoast Villager will not only be a mirror, reflecting the stories of the people; it will also be a catalyst for action and solutions. By supporting us as a reader, member, donor or advertising partner, you will be fueling our impact.

As we endeavor on this new path, it is crucial that we do it together with you. So consider this column a call to action. We will not succeed without you. To use the phrase that this new publication's name comes from, it takes a village.

It is all well and good to talk about how important journalism is to democracy, but together we need to demonstrate with dollars and engagement that we believe it is worth keeping alive — the way Reade has done for this community for decades. Let us carry the torch forward, together.

— Kathleen Fleury Capetta
Publisher

**City of Belfast
Consent Agenda
Tuesday, October 1, 2024
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 Tristan Lewis as a Part-time EMT for the Belfast Ambulance Department.

Motion to confirm Tristan Lewis as a Part-time EMT for the Belfast Ambulance Department.

B. Request from the Fire Chief to confirm Canaan Jordan as a Part-time EMT for the Belfast Ambulance Department.

Motion to confirm Canaan Jordan as a Part-time EMT for the Belfast Ambulance Department.

C. Request from the Fire Chief to confirm Taber Twitchell as a Part-time EMT and firefighter for the Belfast Fire and Ambulance Department.

Motion to confirm Taber Twitchell as a Part-time EMT and firefighter for the Belfast Fire and Ambulance Department.

D. Request to approve a Letter of Approval for Game of Chance (Poker) for Randall-Collins VFW Auxiliary Post 3108 located at 34 Field Street, Belfast, Maine. This approval is granted for a Texas Hold'em Tournament on October 20, 2024, starting at 1:00 p.m.

Motion to approve a Letter of Approval for Game of Chance (Poker) for Randall-Collins VFW Auxiliary Post 3108 located at 34 Field Street, Belfast, Maine. This approval is granted for a Texas Hold'em Tournament on October 20, 2024, starting at 1:00 p.m.

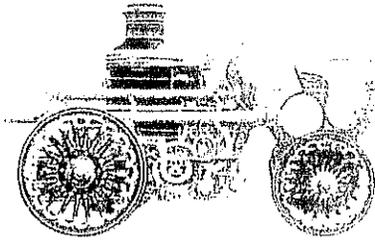
- E. Request to approve an application by Crusty Crab LLC d/b/a The Front Street Pub located at 37 Front Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Class A Restaurant/Lounge (Class XI) liquor license.**

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 Class A Restaurant/Lounge (Class XI) liquor license.

- F. Request to approve an Incorporated Civic Organization License for Maine Aquaculture Innovation Center for the World's Best Mussel Recipe Contest event located at the Belfast Yacht Club, 15 Front Street, Belfast, Maine on October 5, 2024, from 4:00 p.m. to 7:00 p.m.**

Motion to approve an Incorporated Civic Organization License for Aquaculture Innovation Center for the World's Best Mussel Recipe Contest event located at the Belfast Yacht Club, 15 Front Street, Belfast, Maine on October 5, 2024, from 4:00 p.m. to 7:00 p.m.

9.A,B+C



Belfast Fire & Ambulance Department
*131 Church Street * Belfast, Maine 04015*
Phone 338-3302

September 23, 2024

Honorable Mayor Sanders

Belfast City Councilors

City Mgr. Herbig

Re; Part time EMT's

I submit for your confirmation the names of Tristan Lewis, Canaan Jordan and Taber Twitchell for the positions of Part-time EMT. All 3 men reside in Waldo County and are looking to gain experience with EMS.

Tristan Lewis currently works with Northeast Ambulance and is hoping to work a little more consistently every week.

Canaan Jordan has just received his EMS license and is hoping for a career change.

Taber Twitchell is a young man with a Fire Fighting certification as well as a Maine EMS license. He also is looking to start a career in Fire and EMS. Taber will be able to work as a firefighter as well when on shift.

If you have any questions regarding any of these young men, please don't hesitate to reach out. Thank you for these considerations.

Patrick Richards

Fire Chief/Ambulance Director

General Assistance Maximum Update Memo

Please note that updates have been made to Appendix A (overall maximums), Appendix B (food maximums), Appendix C (housing maximums) and Appendix H (funeral maximums).

Appendix A

Overall Maximums (Income Maximums)

Household #	2023-2024	2024-2025	Increase of
1	\$1041	\$1075	\$34
2	\$1047	\$1085	\$38
3	\$1256	\$1305	\$49
4	\$1558	\$1620	\$62
5	\$2132	\$2219	\$87

*Add \$75.00 for each additional person (unchanged)

Appendix B

Food Maximums (Monthly)

Household #	2023-2024	2024-2025	Increase of
1	\$291	\$292	\$1
2	\$535	\$536	\$1
3	\$766	\$768	\$2
4	\$973	\$975	\$2
5	\$1155	\$1158	\$3
6	\$1386	\$1390	\$4
7	\$1532	\$1536	\$4
8	\$1751	\$1756	\$5

*Add \$220.00 per month for each additional person (increase of \$1)

General Assistance Maximum Update Memo

Appendix C

Housing Maximums (Monthly)

UNHEATED

Bedroom(s)	2023-2024	2024-2025	Increase of
0	\$897	\$943	\$46
1	\$897	\$943	\$46
2	\$1014	\$1085	\$71
3	\$1264	\$1353	\$89
4	\$1770	\$1894	\$124

HEATED

Bedroom(s)	2023-2024	2024-2025	Increase of
0	\$1026	\$1058	\$32
1	\$1030	\$1066	\$36
2	\$1235	\$1282	\$47
3	\$1533	\$1593	\$60
4	\$2102	\$2187	\$85

Appendix H

Funeral Maximums

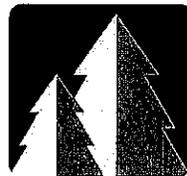
Burials Maximums

2023-2024	2024-2025	Increase of
\$1475	\$1620	\$145

Cremation Maximums

2023-2024	2024-2024	Increase of
\$1025	\$1125	\$100

GENERAL ASSISTANCE ORDINANCE



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

Prepared by

Maine Municipal Association

September 2024

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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 program provides trauma-informed services and culturally and linguistically appropriate services to all applicants. “Trauma-informed services” means services that acknowledge and are informed by the widespread effects of trauma and recognize the potential paths for recovery; recognize the unique signs and symptoms of trauma in applicants, clients, families and staff; respond by fully integrating knowledge about trauma into policies, procedures and practices; and seek to actively avoid retraumatization. “Culturally and linguistically appropriate services” means services that are designed to serve culturally diverse populations in a person’s preferred language; function effectively within the context of cultural beliefs, behaviors and needs presented by a person who applies to or is a recipient of assistance from the program and the person’s community; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with applicants and recipients; actively support and enable

ARTICLE I – Statement of Policy

recipients to make informed choices; and value and facilitate the exchange of information with recipients. (22 M.R.S. § 4305(7)).

The Administrator will act promptly on all applications for assistance and requests for fair hearings and will provide GA applicants with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see Ordinance § 5.6*).

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

The Administrator will post notice stating that any person may apply for general assistance during the municipality's regular business hours. The Administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be available to any member of the public upon request. Notice to this effect will be posted.

The Administrator will complete training including, but not limited to, the purpose of the general assistance program, the delivery of trauma-informed services and culturally linguistically appropriate services as defined above, and the laws governing the general assistance program's administration, procedures, and requirements no later than 120 days after appointment or election. (22 M.R.S. 4302-A).

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

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

Section 2.2—Special Definitions

Administrator. See “General Assistance Administrator,” below.

Applicant. A person who has submitted an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work-related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant’s place of residence, and any other commodity or service determined essential by the municipality.

“Basic necessities” do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt**
- Furniture
- Loan re-payments**
- Cigarettes
- Alcohol
- Pet care costs

ARTICLE II – Definitions

- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security

deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).

** Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions and types and amounts of assistance provided; records concerning an applicant's request for fair hearing; and fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided that this calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S. § 4301(2)).

Earned Income. Wages or Income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.

Eligible Person. A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, “Eligible Person” includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. “Eligible Person” does not include a fugitive from justice as defined in 15 M.R.S. § 201(4). (See “Pursuing a Lawful Process,” below)

Emergency. Any life-threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality’s option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S. § § 4301(4), 4308(2), 4310).

General Assistance (“GA”) Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A GA program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing “grant-in-aid” or “categorical” welfare program. This definition shall not lessen the municipality’s responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 4301(5)).

General Assistance (“GA”) Benefits. Benefits provided to a person through the GA program.

General Assistance (“GA”) Administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. They may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 4301(12)).

Homelessness. “Homelessness” means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

Household. “Household” means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S. § 4301(6)). Residents of a Recovery Residence are not considered a shared household.

Income. “Income” means any form of earned or unearned income in cash or in kind received by the household including:

- Net remuneration for services performed;
- Cash received on either secured or unsecured credit;

ARTICLE II – Definitions

- 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:

ARTICLE II – Definitions

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

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

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing. (22 M.R.S. § § 4301(8), 4316-A(5)).

Landlord. A person who owns a property and allows another person to use that property in return for payment. (22 M.R.S. § 4301(8-B)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 M.R.S. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA eligibility, and which would, if disclosed to the Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

ARTICLE II – Definitions

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

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A), misconduct shall have the same meaning as “misconduct” in 26 M.R.S. § 1043(23). (*See Ordinance Appendix I*). Generally, misconduct occurs when an employee violates their obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer’s interest may also be found guilty of misconduct.

Misspent Income. Misspent income includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous 30-day period.

Municipality. Any city, town or plantation administering a GA program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application. (22 M.R.S. § § 4301(9), 4307).

Need. The condition whereby a person’s income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual’s family are less than the maximum levels of assistance. (22 M.R.S. § § 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the GA program. (22 M.R.S. § § 4301(11), 4311).

ARTICLE II – Definitions

Operator. The lawful owner of a recovery residence or an individual or company designated by the lawful owner to have primary responsibility for the day-to-day operations of the recovery residence and for acquiring and maintaining certification pursuant to Title 5, section 20005, subsection 22 of the recovery residence in order to receive housing assistance payments through the general assistance program. (22 M.R.S. § 4301(11-A)).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall this period extend beyond one month. (22 M.R.S. § 4309(1)).

Pooling of Income. “Pooling of income” means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This ordinance establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a Recovery Residence are not considered to be commingling funds. Applicants who request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Potential Resources. Sources of financial assistance, including programs, services, non-liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Pursuing a Lawful Process to Apply for Immigration Relief. Taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 C.M.R. ch. 323, for additional guidance).

Real Estate. Any land, buildings, homes, mobile homes, and any other things affixed to the land. (22 M.R.S. § 4301(13)).

Recipient. A person who has applied for and is currently receiving GA.

Recovery Residence. “Recovery residence” means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Rehabilitation Facility. An inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical services and other services that are provided under competent professional supervision.

Repeat Applicants. All applicants for GA benefits that are not initial applicants are repeat applicants. For purposes of this ordinance “repeat” and “subsequent” shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home, and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality, or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if they are eligible, until they establish a new residence in another municipality. (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for GA. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

ARTICLE II – Definitions

Potential resources include, but are not limited to, state or federal assistance programs, employment benefits, governmental or private pension programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the Administrator, a minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; however, eligibility for GA benefits shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unearned Income. Unearned income is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

Unforeseen Repeat Applicants. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III – Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 4306).

Release of Information. Applicants, recipients, and their legal representatives have the right to review their case records. No record will be released to a third party unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of their records to the specified parties. Whenever the Administrator releases any information, they will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

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

Any representative of a financial institution or any employer of a GA applicant who, upon receipt of a written release signed by the depositor/employee and a written request from the Administrator, refuses to provide necessary information to the Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of

ARTICLE III – Administrative Rules and Regulations

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

ARTICLE III – Administrative Rules and Regulations

- vendor forms

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

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

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

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

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

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

Applications Accepted; Posted Notice. Any person may apply for general assistance during the municipality's regular business hours. In an emergency, however, the Administrator or their designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where 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;

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- contact the DHHS with complaints;
- challenge the Administrator’s decision by requesting a fair hearing.

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

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant’s support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, “Recovery of Expenses”*). (22 M.R.S. § § 4318, 4319). Whenever applicable, the Administrator will explain the liens a municipality may place against a recipient’s real or personal property, such as the mortgage or capital improvement lien, the Workers’ Compensation lump sum payment lien, or the SSI “Interim Assistance Agreement” lien, described in Article VIII, “Recovery of Expenses.”

Section 4.5—Responsibilities of the Applicant at Time of Application

The applicant is responsible to provide accurate, complete, and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant’s support
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;

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- 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 they believe the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

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

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances include, but are not limited to, the following:

- a) When the applicant’s conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when their conduct is under control.
- b) If the Administrator believes that an applicant’s behavior presents a threat to the health or safety of the public or to a municipal employee, if the applicant’s behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, the applicant may be required to designate a third party to apply for assistance on their behalf and the applicant may be prohibited from entering the municipal building;
- c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that they have been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 4.9—Emergencies

An “emergency” means any life-threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless they are disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need

and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance § § 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance. (22 M.R.S. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, “dependents” are defined as: (1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

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

- a) after interviewing the applicant the Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify their need. The Administrator may contact at least one other person to confirm the applicant’s statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant’s eligibility is confirmed. (22 M.R.S. § 4310).

Benefits provided prior to verification are limited as follows:

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- a) The authorization of benefits may not exceed 30 days.
- b) Until there has been full verification confirming the applicant's eligibility, further benefit may not be authorized.
- c) The authorization of benefits may not exceed levels of assistance established in 22 M.R.S. § 4308. (22 M.R.S. § 4310(4)).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the Administrator shall accept an application over the telephone. (22 M.R.S. § 4304).

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

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If an applicant had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. § § 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

- a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage, or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period

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shall be the consecutive length of time the account balance has been in the negative.

- b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
- d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance 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.

The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

Section 4.10—Residence

The Administrator shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until they establish a residence in another municipality. (22 M.R.S. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 6 months after they move including processing applications and determining eligibility for assistance.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, they will be the responsibility of this municipality for up to 12 months after they enter the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which they intend to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S. § 4307(4)).

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

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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 their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. §§ 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

A person will be eligible for GA if they are an “Eligible Person” as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. (*For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948)*).

Section 5.1—Initial Application

Initial Application. For initial applicants, need will be the sole condition of eligibility, except that all applicants, including initial applicants, are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct (*see Ordinance § 5.5*) or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4), (22 M.R.S. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 4308(1)).

“Need” means that the applicant’s income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in Ordinance § 6.8 or the applicant’s 30-day need, whichever is less, and they do not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.1A – Presumptive Eligibility

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period of presumed eligibility,

full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005(22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities. Upon request by a person residing in a certified recovery residence, who has been determined eligible for housing assistance, housing assistance payments will be issued to the operator of the certified recovery residence instead of to a landlord.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify an otherwise eligible person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. (7 U.S.C. § 2017 (b)).

In addition, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with their fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Ordinance § 6.7, subsection (c) under “Types of Income”. For several additional exceptions please refer to the definition of “Income” in this Ordinance (see Ordinance § 2.2, page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S. § 4317).

Section 5.3—Personal Property

a) Liquid Assets.

No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security will be eligible for GA unless and until they use these assets to meet their basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary to obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

b) Tangible Assets.

No person owning or possessing personal property, including but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Ordinance § 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) Automobile Ownership.

Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation, or training facilities, or for any other reason the GA Administrator determines reasonable

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

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

d) Insurance.

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

e) Transfer of Property.

Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for GA will not be granted GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will be issued. There will be a presumption that the applicant transferred their assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) Principal Residence.

Solely for purposes of GA, the applicant’s principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness, or disaster, provided the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant’s financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the Administrator may condition the receipt of future assistance on the applicant’s good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 “excess” acres. Sale of 10 of the acres would provide for the necessary support; therefore, the entire 100 acres need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) Other Property.

If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for GA will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the sale of the property or upon the death of the recipient (*see also Ordinance § 6.8*). 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and household members who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below (*see “Exemptions”*). Applicants must demonstrate to the Administrator that they are available for work and are actively seeking employment.

A “suitable job” means any job, which the applicant is mentally and physically able to perform. “Available for work” means that applicants must make themselves available for work during normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.

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Verification. Unemployed applicants or applicants employed on a part-time basis must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. “Pursuit of Employment” means actually submitting a written application or applying for a job in person when reasonable or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant’s period of unemployment or partial employment, the Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill their work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

- a) refuse to register for employment with the Maine Job Service;
- b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or

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

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit their full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see definition in Appendix I*) will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. § § 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) the applicant has a physical or mental illness or disability which prevents them from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, 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

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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

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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)).

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- 1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided with net GA, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.
- 2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
- 3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.
- 4) In no case will work performed under this subsection interfere with an eligible person's:
 - a) existing employment;
 - b) ability to follow up on a bona fide job offer;
 - c) attendance at an interview for possible employment;
 - d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e) classroom or on-site participation in a training program which is approved by the Department of Labor (DOL) or determined by the DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the DOL.
- 5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with their regular employment would result in the person working more than 40 hours per week.
- 6) In no case will an eligible person be required to perform work beyond their capabilities. However, when an illness or disability is claimed, an

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eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness. (22 M.R.S. § 4309).

If the Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The Administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention. (22 M.R.S. § 4316(5)).

- 7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that they are willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

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

- 1) In no circumstance will emergency GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- 2) All workfare participants under this policy will be provided a written decision within 24 hours after submitting an application for GA and prior

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

That written decision must include:

- a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the GA grant is being issued (in days or weeks, but not to exceed 30 days);
 - c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
 - d) the actual duration of the workfare assignment that must be performed, in hours, before the GA grant will be actually issued;
 - e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
 - f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
- 3) As previously provided in this section, all workfare participants must sign a consent form that informs the participant of their workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
 - 4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the Administrator shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.

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- 5) If any part of the workfare assignment is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform their work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that they are disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating there was just cause for any failure to perform a workfare assignment.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

- Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (*see Ordinance § 5.5, "Dependents"*).
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which they, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the

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recipient to avert the emergency. However, the provision of emergency assistance will not bar the Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

- Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the Administrator will enforce the 120-day disqualification for the term of its initial duration.
- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS. (22 M.R.S. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce their need for GA (*see Ordinance § 2.2, definition of “Resources”*). Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are

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required to prove that they have made a good faith effort to secure the resource. (22 M.R.S. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of their parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- 1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
- 2) the minor has no living parent or the whereabouts of both parents are unknown; or
- 3) no parent will permit the minor to live in the parent's home; or
- 4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
- 5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and their child or children lived with a parent; or
- 6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S. § 4309(4)).

Any person under the age of 25 who is applying independently from their parents for GA will be informed that until they reach the age of 25, the applicant's parents are still legally liable for their support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent their parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting their parents. If the applicant's parents declare a willingness to provide the applicant with their basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on their parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that their needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The Administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until they have made a good faith effort to utilize or obtain the resources. GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, that resource, up to its forfeited value, need not be replaced with GA for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs. (22 M.R.S. § 4317).

Section 5.8—Period of Ineligibility

No one will have their GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. § § 4321-4322). Each person will be notified in writing of the reasons for their ineligibility, and any person

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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.

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Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant’s eligibility will be conducted in a manner that will not violate the applicant’s privacy or personal dignity or violate their individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the Administrator will determine the applicant’s eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant’s assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The Administrator may redetermine a person’s eligibility at any time during the period they are receiving assistance if the Administrator is notified of any change in the recipient’s circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority. (22 M.R.S. § 4309).

Section 6.3—Verification

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's Responsibilities. Applicants and recipients for GA are responsible for providing to the Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or

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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,

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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:

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- a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) uses GA benefits for a purpose other than the purpose for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making themselves eligible for GA, the Administrator shall notify that applicant in writing that they must reimburse the municipality for the assistance they were not entitled to receive and that they are ineligible for assistance for the longer of: (a) a period of 120 days; (b) until they reimburse the municipality for the assistance; or (c) until they enter a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315).

For the purpose of this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the Administrator shall inform the applicant of their right to appeal the Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this Ordinance. No recipient shall have their assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior

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Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure. (22 M.R.S. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which they were not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household. (22 M.R.S. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month. (22 M.R.S. § 4309). Upon receiving a completed and signed application the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA Administrator, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that they have a right to reapply as soon as they have the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency, the Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the Administrator elects to disburse GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant

to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application. (22 M.R.S. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Ordinance § 6.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency. (22 M.R.S. § 4308(2)) (*see Ordinance § 4.9*).

Applicants will also not be considered in need of GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Ordinance § 6.8. (22 M.R.S. § § 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. (*See Ordinance Appendices A-H*). The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency. (22 M.R.S. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no *applicant* is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility. (22 M.R.S. § 4315-A). Applicants who have

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sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The Administrator may require that anyone applying for GA provide documentation of their use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the Administrator for “unforeseen” repeat applicants (*See Ordinance § 6.3*); repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the Administrator.

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

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work related purposes
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees

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- Credit card debt

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use their income for basic necessities or fails to reasonably document their of income. (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The Administrator may require the applicant to use some or all of their income, at the time it becomes available, toward specific basic necessities. The Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;
- 2) The Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
- 3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and
- 4) If the applicant does not spend their income as directed but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the Administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Ordinance § 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (*see Ordinance § 4.9*). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Ordinance § 6.8 for specific basic necessities except in an emergency or when the

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Administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the Administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

- 1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
- 2) The total GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
- 3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient misspending their income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the

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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

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HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for their total fuel costs. Accordingly, in such cases, the Administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with their utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 U.S.C. § 5044(f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))

c) Court-Ordered Support Payments. Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement assistance shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.

d) Income from Other Sources. Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered

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income as will cash or in-kind contributions provided to the household from any other source, including relatives. (22 M.R.S. § 4301(7)).

- e) **Earnings of a Son or Daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.
- f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.
- g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

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

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of their income and their pro-rata share of actual household expenses.

- h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for GA will be considered as income available to the household. However, verified required

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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.

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The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 M.R.S. § 4308).

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Appendices B-H, an applicant's eligibility for GA will be first determined by subtracting their income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs.

Note. The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

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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.

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(B) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year’s housing maximums. It is the applicant’s responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in their search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

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

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payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of their tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter's equity;
- (2) the amount of equity;
- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
- (4) the extent to which liquidation may aid the applicant's financial rehabilitation;
- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if they were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of their inability to meet the mortgage payments;
- (7) the likelihood that the provision of housing assistance will prevent such dislocation; and
- (8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

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

- (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
- (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or re-amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
- (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of their home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the Administrator will inform the applicant that they are responsible for finding alternative housing within their ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S. § 4320). No lien may be enforced against a recipient except upon their death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing GA for a mortgage payment or capital

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improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with their property taxes, the Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using GA to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that

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- 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

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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

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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

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program, that will diminish their 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 their hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S. § 1716. Anyone who is not eligible for the hospital's free care program may apply for GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's free care program.

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Before the Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time they apply by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Ordinance § 6.6.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The Administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
- 5) **Eye Care.** In order to be eligible to receive GA for eyeglasses, an applicant must have their medical need certified by a person licensed to practice optometry. The Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
- 6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or work-related reasons exist and/or for any other reasons the Administrator deems necessary.

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- 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

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- 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.

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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.

ARTICLE VI – Determination of Eligibility

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for their pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The Administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any

ARTICLE VI – Determination of Eligibility

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:

ARTICLE VI – Determination of Eligibility

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

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

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or their authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the Administrator, all claimants will be informed of how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or their authorized representative, must make a written request within 5 working days of receipt of the Administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The Administrator will make a form available to request a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) the claimant is dissatisfied and why the claimant believes they are eligible to receive assistance; and
- c) the relief sought by the claimant.

The Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the FHA must meet and hold the hearing within 5 working days. The Administrator will notify

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

- a) be their own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
- b) confront and cross-examine any witnesses presented at the hearing; and
- c) present witnesses on their own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of their case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with ensuring that GA is administered in accordance with state law and this ordinance.

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

- a) have not participated in the decision which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the Administrator operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

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

- a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
- b) be opened with a presentation of the issue by the FHA;
- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- d) allow the claimant and the Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the FHA must be made available to the claimant or their representative. The claimant will be responsible for preparing a written transcript if they wish to pursue court action.

The FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S. § 4322).

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

"Just cause" for a claimant's failure to appear at a fair hearing, may include:

- a) a death or serious illness in the family;
- b) a personal illness which reasonably prevents the party from attending the hearing;
- c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
- d) an obligation or responsibility which a reasonable person in the conduct of their affairs could reasonably conclude takes precedence over the attendance at the hearing; or
- e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The FHA's decision will be binding on the Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain:

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

ARTICLE VII – The Fair Hearing

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

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, they may appeal pursuant to Maine Rule of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or their executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall “offset” the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

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

Recipients Anticipating Workers’ Compensation Benefits. The municipality shall claim a lien on any lump sum payment under the Workers’ Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S. § 4318, 39-A M.R.S. § 106). After issuing any GA on behalf of a recipient who has applied for or is receiving Workers’ Compensation, the municipality shall file a notice of the municipal lien with the GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient who has applied for or is receiving Workers’ Compensation. Any GA applicant who has applied for or who is receiving Workers’ Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive GA until they provide the required signature. The municipality shall also send a photocopy of that filing to the recipient’s Worker’s Compensation attorney, if known, the applicant’s employer or the employer’s insurance company, and, at the Administrator’s discretion, to the Workers’ Compensation Board. The lien shall be enforced at the time any lump sum Workers’ Compensation benefit is issued.

Recipients of SSI. All applicants who receive GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may

ARTICLE VIII – Recovery of Expenses

be retroactively issued to the applicant at a later date), will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the GA granted. Any GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until they provide the required signature. (22 M.R.S. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S. § 4319). In addition, the grandchildren, children, parents, grandparents, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

ARTICLE IX – Severability

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

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APPENDIX A – 2024-2025 GA Overall Maximums

Effective: 10/1/24 – 9/30/25

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	969	1,068	1,367	1,744	2,333
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,139	1,280	1,689	2,131	2,476
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	881	965	1,232	1,608	1,947
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	874	884	1,169	1,464	1,603
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,451	1,663	2,141	2,715	3,332

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	969	1,159	1,413	1,939	2,335
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,192	1,261	1,567	2,039	2,297
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,371	1,444	1,905	2,589	3,305

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

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	766	842	1,043	1,421	1,524
Franklin County	807	893	1,174	1,558	1,764
Hancock County	1,096	1,102	1,307	1,734	1,740
Kennebec County	943	946	1,214	1,529	1,784
Knox County	935	946	1,163	1,550	1,657
Lincoln County	1,037	1,076	1,332	1,733	2,154
Oxford County	902	910	1,185	1,575	1,869
Piscataquis County	777	860	1,131	1,398	1,689
Somerset County	897	931	1,140	1,487	1,612
Waldo County	1,075	1,085	1,305	1,620	2,219
Washington County	838	846	1,101	1,508	1,598

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

APPENDIX B – 2024-2025 Food Maximums

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

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2024, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 67.91	\$ 292.00
2	124.65	536.00
3	178.60	768.00
4	226.74	975.00
5	269.30	1,158.00
6	323.26	1,390.00
7	357.21	1,536.00
8	408.37	1,756.00

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

APPENDIX C – 2024-2025 GA Housing Maximums

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

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	619	174	748
1	152	654	191	822
2	186	798	237	1,019
3	261	1,123	324	1,393
4	270	1,162	347	1,492
Franklin County				
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	154	660	184	789
1	164	705	203	873
2	216	929	267	1,150
3	293	1,260	356	1,530
4	326	1,402	403	1,732
Hancock County				
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	224	964	251	1,079
1	224	964	252	1,083
2	253	1,087	299	1,284
3	341	1,467	397	1,707
4	341	1,467	397	1,707
Kennebec County				
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	189	811	215	926
1	189	811	216	927
2	231	994	277	1,191
3	294	1,262	349	1,502
4	339	1,459	407	1,752

Non-Metropolitan FMR Areas

Knox County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	187	803	214	918	
1	187	803	216	927	
2	219	943	265	1,140	
3	298	1,283	354	1,523	
4	310	1,332	378	1,625	
Lincoln County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	210	905	237	1,020	
1	211	906	246	1,057	
2	259	1,112	304	1,309	
3	341	1,466	397	1,706	
4	425	1,829	493	2,122	
Oxford County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	179	770	206	885	
1	179	770	207	891	
2	224	965	270	1,162	
3	304	1,308	360	1,548	
4	359	1,544	427	1,837	
Piscataquis County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	147	630	177	759	
1	156	672	195	840	
2	206	886	257	1,107	
3	256	1,100	319	1,370	
4	309	1,327	385	1,657	
Somerset County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	178	765	205	880	
1	178	765	212	912	
2	214	920	260	1,117	
3	284	1,220	339	1,460	
4	299	1,287	367	1,580	

Non-Metropolitan FMR Areas

<u>Waldo County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	219	943	246	1,058	
1	219	943	248	1,066	
2	252	1,085	298	1,282	
3	315	1,353	370	1,593	
4	440	1,894	509	2,187	

<u>Washington County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	164	706	191	821	
1	164	706	192	827	
2	205	881	251	1,078	
3	289	1,241	344	1,481	
4	296	1,273	364	1,566	

Metropolitan FMR Areas

<u>Bangor HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	195	837	221	952	
1	209	898	244	1,049	
2	267	1,147	312	1,344	
3	344	1,477	399	1,717	
4	467	2,008	535	2,301	

<u>Cumberland Ctv. HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	234	1,007	261	1,122	
1	258	1,110	293	1,261	
2	342	1,469	387	1,666	
3	434	1,864	489	2,104	
4	500	2,151	568	2,444	

<u>Lewiston/Auburn MSA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	174	749	201	864	
1	185	795	220	946	
2	235	1,012	281	1,209	
3	312	1,341	368	1,581	
4	377	1,622	445	1,915	

Metropolitan FMR Areas

Penobscot Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	173	742	199	857
1	173	742	201	865
2	221	949	266	1,146
3	278	1,197	334	1,437
4	297	1,278	365	1,571
Portland HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	307	1,319	334	1,434
1	347	1,493	382	1,644
2	447	1,921	492	2,118
3	569	2,448	625	2,688
4	699	3,007	767	3,300
Sagadahoc Cty. HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	195	837	221	952
1	230	989	265	1,140
2	277	1,193	323	1,390
3	389	1,672	445	1,912
4	467	2,010	536	2,303
York Cty. HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	247	1,060	273	1,175
1	254	1,091	289	1,242
2	313	1,347	359	1,544
3	412	1,772	468	2,012
4	459	1,972	527	2,265
York/Kittery / S. Berwick HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	288	1,239	315	1,354
1	296	1,274	331	1,425
2	392	1,685	438	1,882
3	540	2,322	596	2,562
4	693	2,980	761	3,273

APPENDIX D – 2024-2025 Electric Utility Maximums

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

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

NOTE: For each additional person add \$10.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

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

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E – 2024-2025 Heating Fuel Maximums

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

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.

APPENDIX F – 2024-2025 Personal Care & Household Supplies Maximums

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

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

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

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

APPENDIX G – Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel, etc. is 50 cents (50 ¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>.

APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums

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

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

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal Administrator.

Additional costs may be allowed by the GA Administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,125.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA Administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23))

23. Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;

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

[PL2019, c. 125, §1 (AMD).]

B. "Misconduct" may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
- (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or
- (3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[PL 2019, c. 125, §1 (AMD).]

2024-2025 GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	969	1,068	1,367	1,744	2,333
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,139	1,280	1,689	2,131	2,476
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	881	965	1,232	1,608	1,947
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	874	884	1,169	1,464	1,603
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,451	1,663	2,141	2,715	3,332
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	969	1,159	1,413	1,939	2,335

Appendix A
Effective: 10/01/24-09/30/25

COUNTY	1	2	3	4	5
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,192	1,261	1,567	2,039	2,297
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,371	1,444	1,905	2,589	3,305

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

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5
Aroostook County	766	842	1,043	1,421	1,524
Franklin County	807	893	1,174	1,558	1,764
Hancock County	1,096	1,102	1,307	1,734	1,740
Kennebec County	943	946	1,214	1,529	1,784
Knox County	935	946	1,163	1,550	1,657
Lincoln County	1,037	1,076	1,332	1,733	2,154
Oxford County	902	910	1,185	1,575	1,869
Piscataquis County	777	860	1,131	1,398	1,689
Somerset County	897	931	1,140	1,487	1,612
Waldo County	1,075	1,085	1,305	1,620	2,219
Washington County	838	846	1,101	1,508	1,598

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



DRAFT
CURBSIDE BELFAST 2024-2025 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 2024 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 2024-2025 Curbside Winter licenses issued will be effective beginning November 1st, 2024, and will expire on April 31st, 2025.

Original 2024 Summer program licenses are in effect until October 31, 2024. Belfast City Council, on October 1, 2024, approved an extension of the program. No Curbside Belfast permits or licenses will be carried over from the Summer season unless a new application is submitted and approved for an establishment. Applications for the 2024 Curbside Belfast Winter season must be received no later than October 31, 2024. After that date, applications will be reviewed as received and no guarantee can be made on continuous operation from the Summer Curbside program to the Winter. The requirements of this Curbside Belfast 2024-2025 Winter season are essentially the same as the 2024 summer season, with some added measures for snow/ice consideration, design requirements, required hours/days of operation, and fee adjustment. Belfast City Council have directed staff to make minor adjustments to the program's rules going into this season so please read all application documents carefully.

Fees for the 2024-2025 Curbside Belfast Winter season 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 **\$400.00**.
****City Council has expressed the intent to increase the fees for Summer 2025 to \$750,000, although the program will be reviewed again before that season kicks off.**

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 a minimum of 4 out of 7 days per week (5 out of 7 in summer season) and be open for a minimum of 6 hours per day. 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. The Curbside program leases areas that would otherwise be used for public parking and does not authorize any seats, tables or other fixtures to be installed on sidewalks.**
- 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. This 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 outdoor areas, they may apply for expansion 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 the aesthetics of these safety features. **Traffic barriers shall be adorned with paint, decorative vegetation or wooden materials to enhance their appearance.**

All outdoor areas shall be under the responsible direction and control of the licensee as identified in this application. **All summer Curbside areas shall be set up and in operation by no later than May 15th and all winter Curbside areas shall be set up and in operation by no later than November 15th in order to be ready for the season, unless a business changes ownership after the season has**

commenced.

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



DRAFT

Design Requirements for Curbside Belfast Outdoor Seating Areas

The Curbside Belfast outdoor space program will continue through the winter season in 2024-2025. Businesses are encouraged to be expressive and have fun with this opportunity. Keeping these outdoor areas looking good is a great benefit to our Downtown and adds to the vibrant energy that is part of first impressions for visitors of the city. Aesthetic requirements for the Curbside Belfast program are listed below so that we can continue to keep Belfast looking good as we carry the program into this season.

- 1) All outdoor seating and tables must be as flat and level as possible. The Curbside program does not include any sidewalk areas, and all seating shall be installed in the area identified on the approved site plan.
- 2) Continuous opaque walls taller than 42" that block views are prohibited. Individual elements such as posts, plantings, lighting etc. may be taller.
- 3) Green elements, or other enhancements such as flowers, shrubs or artwork must be incorporated into the design. No traffic safety features such as jersey barriers or large cement blocks shall be on display without decorative enhancements such as paint, decorative vegetation, or wooden coverings.
- 4) A visually penetrable barrier around the perimeter of the space, such as a guard or handrail, must be incorporated into the design.
- 5) All spaces shall be constructed of high-quality, durable, non-reflective, and aesthetically-pleasing materials. Outdoor areas shall not be unsightly. Painted or stainless metal, finished woods, and other materials intended for outdoor use are all allowable.
- 6) Adding overhead weather and sun protection to your space is permitted so that your services will not be weather dependent.
- 7) Artwork can enhance the attractiveness of your space and create identity for your business.
- 8) Outdoor spaces shall be kept simple, free of clutter, and well maintained to provide an inviting space that will welcome customers and enhance our lively downtown. No waste receptacles or unused equipment/materials shall be located in the outdoor areas.

Curbside 2024-2025 Code Considerations

DRAFT Considerations for Converting Outdoor Spaces into Temporary Seating Spaces

These considerations are meant to supplement – not replace – any state, county, local health and safety laws, rules, and regulations with which businesses must comply.

TEMPORARY VS. PERMANENT

While the intent of this guidance is to address temporary seating areas, it is necessary to clearly define the time period that any associated structures will be set in place, and not just used. The International Building Code (IBC) clearly requires that temporary structures are only to be erected for a period of less than 180 days per Section 3103. Further, temporary tents, umbrella structures and other membrane structures must comply with NFPA 1, 101, & 701 and again be erected for a period of less than 180 days. If these structures, including tents and other membrane structures, are to be erected for a period of 180 days or greater, they are not temporary structures and must comply with the IBC, NFPA, and all other applicable codes and standards as referenced. With the specific time periods given above it is also important to note that under IBC Section 108 the building official is authorized to grant extensions for demonstrated cause. Local building, flood, and shoreland permitting are still required.

LOCATION

1. Temporary outdoor seating should be located so as not to negatively impact the existing accessible parking spaces or accessible routes.
2. Temporary outdoor seating areas should be separated from designated food and beverage pick-up locations.
3. Temporary outdoor seating should be separated from adjacent automobile travel lanes by an approved barrier or adequate separation distance.
4. Access to fire hydrants, fire department connections for automatic sprinkler systems, and entrances and exits of all buildings cannot be obstructed at any time by barriers or seating.

ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

State and local permits may be required for encroachment onto a public right-of-way. In addition, depending on the proposed new layout, construction documents may be required to be submitted for the Code Officer's review and approval. The construction documents should include a site plan indicating the location and quantity of the temporary outdoor seating and information delineating the means of egress and the projected total occupant load.

Chapter 32 of the International Building Code (IBC) covers temporary and permanent encroachments into public right of ways.

OCCUPANT LOADS AND MEANS OF EGRESS

The overall occupant load of both existing and the proposed new seating areas, along with the use of temporary or permanent structures, must be taken into consideration when evaluating the overall effect on fire safety, means of egress, accessibility, light, ventilation, bathroom and sanitary requirements.

Chapter 10 of the IBC addresses occupant loads for areas having fixed seating and areas without fixed seating

ACCESSIBILITY

Section 1009 of the IBC requires accessible means of egress.

Section 1104 of the IBC requires that at least one accessible route connect accessible buildings, facilities, elements and spaces on the same site.

Section 1105 of the IBC requires at least 60% of all public entrances to be accessible. Section 1108.2.9 specifies that dining and drinking areas, whether interior or exterior must be accessible and on an accessible route with some given exceptions. Further where dining surfaces are provided for the consumption of food or drink at least 5%, but not less than one must be accessible,

Curbside 2024-2025 Code Considerations

WEATHER RESISTANCE

Consideration should be given to limiting the size of canopies, umbrellas or awnings. All of these structures should be provided with an adequate means to resist wind, rain or other similar loads.

FIRE PREVENTION

Fire ratings and protective measures are important, as the associated requirements are typically based on the risk associated with the building's occupancy and use. Expanding or adding outdoor seating areas can sometimes present an increased challenge. If the outdoor seating areas include awnings, canopies, umbrellas, marquees or tents on sidewalks, parking lots or green spaces, consideration should be given to the following:

1. The combustibility rating of the materials used should be evaluated and approved for the intended use. Both permanent and temporary tents and membrane structures must comply with flame propagation performance, including required labeling, and a certification affidavit per NFPA 701
2. The spacing between temporary tents or membrane structures must further comply with NFPA 1 and 101 which requires that these structures be at least 10 feet from other buildings, other tents or membrane structures, parked vehicles or internal combustion engines with some given exceptions.
3. Approved portable fire extinguishers should be provided and placed in locations approved by the fire code official.

PLUMBING, MECHANICAL, FUEL GAS AND ELECTRICAL SYSTEMS

Existing plumbing, mechanical and electrical system designs may not be adequate for added outdoor seating in some cases. While in general, outdoor seating is being used to offset reduced occupant loads within existing structures, the overall occupant load of both existing and proposed outdoor seating areas must be taken into consideration and its effect on light, ventilation, bathrooms and sanitary requirements.

Plumbing

Where the toilet rooms provided in an existing structure will serve the anticipated occupant load of both the indoor spaces and proposed outdoor seating areas:

1. UPC Table 422.1 requires seasonal outdoor seating and entertainment areas to be included when determining the minimum number of toilet facilities required.
2. Travel distance should be considered.

Mechanical and Fuel Gas

Proposed designs for temporary climate control of the outdoor spaces should meet the minimum requirements of the International Mechanical Code (IMC), NFPA 54, and NFPA 1. All equipment and appliances must be listed and labeled for the intended use and installed in accordance with the codes and the installation instructions.

Permanent tents and membrane structures.

1. Heating and cooking equipment, including related components, must be installed per the International Mechanical Code (IMC), NFPA 54 and approved by the building and code official. Gas, liquid and solid fuel burning equipment that is designed to be vented must be vented to outdoor air per the IMC and NFPA. Where vents or flues are installed, all portions of the tent or membrane structure must be no less than 12 inches away from any flue or vent.
2. Cooking and heating equipment must be located at least 10 feet from exits or combustible materials.
3. Designated "cooking-only" tents, with sidewalls or drops, must be separated by other tents or membrane structures by no less than 20 feet.
4. Electrical heating and cooking appliances must comply with NFPA 70.
5. LP-gas storage, handling and use along with the use of LP-gas equipment must comply with NFPA 54

Electrical

1. When connected to public utility power or generator sources, outdoor seating areas or temporary tent and membrane structures will need to comply with NFPA 70.

Curbside 2024-2025 Code Considerations

2. NFPA 101 requires exit signage for temporary tents or membrane structures where an exit serves an occupant load of 50 or more. Further, these exit signs are required to be internally illuminated or externally illuminated. Where the exit signs are externally illuminated two separate circuits, one of which must be separate from all other circuits, is required for occupant loads of 300 or less. Two separate sources of power, one being an approved emergency system must be provided where the occupant load exceeds 300.
3. NFPA 101 requires means of egress illumination with a light intensity of not less than 1 foot candle at the floor level for temporary tents and membrane structures while occupied. Further this means of egress illumination must be supplied from a separate circuit or source of power.
4. NFPA requires generators or other internal combustion power sources to be separated from tent or membrane structures by a minimum of 20 feet and isolated from the public with fencing or an enclosure.

10.E



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

MEMORANDUM

DATE: September 23, 2024

TO: Belfast Mayor and City Council

FROM: Bub Fournier, Director of Planning and Codes Department

RE: Request by Planning and Codes Department Director to purchase new Lenovo m50s computer for the Code Enforcement Officer.

Background Information:

The Belfast Planning and Codes Department purchased a new laptop computer for Code Enforcement Officer Steve Wilson in October 2020 when he was hired by the City of Belfast. The laptop computer, coupled with a docking station, is this staff member's sole computer and has worked well in that capacity since that time. The laptop's original 3-year warranty has expired.

More recently, the laptop has experienced issues when performing any multi-tasking. After consulting with the City's IT consultant David Collamore of Comdoctor, the best option was to purchase a new workstation computer and retire the laptop to simple fieldwork duty only. The new workstation computer comes with a 3-year factory warranty. At this time, I am requesting to expend funds from the Department's Office Equipment Reserve account to purchase a desktop.

I am attaching an invoice for a new 16 GB Lenovo m50s workstation for \$769.00 from Comdoctor, the City's IT consultant.

Requested Action: I request that the City Council authorize payment for of a new computer for the Code Enforcement Officer's workspace. The total requested amount is \$769.00 and would come from account #670-603 Office Equipment Reserve.



COMDOCTOR.NET INC.

5 DR. MANN ROAD, CHELSEA, MAINE 04330
(207) 621 - 0658
HTTP://WWW.COMDOCTOR.NET

Bub Fournier
City of Belfast - Codes and Planning
131 Church Street, Belfast ME 04915

Opened: **9/17/2024, 10:30A**
Completed: **9/17/2024**
Called?

Home Phone:
Work Phone: 207-338-3370 ext.
Cell Phone:

Customer ID: 6828
Workorder ID: 28204
Technician:

Problem Description

Purchasing Hardware
New Lenovo Workstation
Delivery on 9/18/2024

Problem Resolution

Items

Qty.	Description	Unit Price	Ext. Price
1	Lenovo Neo50s Workstation	\$769.00	\$769.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0	Bench Labor Hours	Total Parts	\$769.00
0	Managed Services Hours	Total Tax	\$0.00
		Shop Labor	\$0.00
		Onsite Labor	\$0.00
		Grand Total	\$769.00

Payment Type: **Unpaid**

Check Number:

0

Bench labor rate is \$90.00 per/hour billed in 1/4 hour increments with a minimum 1/2 hour bench fee.
Managed Services rate is \$120.00 per/hour billed in 1/4 hour increments. There is a 20% restocking fee for opened items. Returns of open items are at management discretion only. No returns on special orders.
Software is non-refundable. All hardware carries a one year defect warranty unless otherwise specified.

Summer Hours: 8:30 - 5:30, Monday through Friday

System completion times given are estimated. We appreciate your patience.

9/17/2024

10.F



CITY OF BELFAST

City Hall
131 Church Street
Belfast, Maine 04915

Joellyn Warren
Deputy Economic Development Director

E-mail: deputyecondev@cityofbelfast.org
Phone: (207) 338-3370, extension 124

TO: Honorable Mayor Eric Sanders, Belfast City Councilors, and City Manager Erin Herbig

FROM: Joellyn Warren, Deputy Economic Development Director

DATE: September 23, 2024

RE: Approval to submit a technical assistance request to the State of Maine's Governor's Office of Policy Innovation and the Future (GOPIF) Energy Efficiency for Rural Communities Technical Assistance Program (EEPRC) for energy audits at two city-owned buildings.

The GOPIF Energy Efficiency for Rural Communities Technical Assistance Program (EEPRC) is a one-time technical assistance program offered through the Community Resilience Partnership. The EEPRC program supports communities with energy efficiency planning for publicly owned buildings through energy audits, energy benchmarking training, and energy conservation plans. Energy audits may include HVAC analysis, heat loss analysis, lighting analysis, building envelope analysis, and analysis of other energy sources and uses.

The EEPRC program is not a grant program. A successful application will not result in a funding award. Participating communities will receive technical assistance services as outlined in the program at no cost to the communities. Applications are due by October 4, 2024. Awards are anticipated in December 2024.

Based on the Program Statement, staff recommends requesting technical assistance for both the City Hall and the Former Superior Court House buildings. A minimum of two buildings and up to six buildings are required to be part of the application. Energy efficiency planning services related to these buildings will allow the city to plan for projects enabling significant cost savings, energy savings, and reductions in greenhouse gas emissions. An Energy Conservation Implementation Plan will allow Belfast to readily apply for energy efficiency improvement projects through upcoming rounds of the Community Resilience Partnership's Community Action Grant (CAG) or other funding opportunities.

At this time, the Deputy Economic Development Director requests that the City Council take the following actions:

- 1) Approve the submission request for technical assistance to the Energy Efficiency for Rural Communities Technical Assistance Program (EEPRC) for the City Hall and former Superior County Courthouse; and to,
- 2) Authorize the City Manager to sign all paperwork related to and necessary for the submission of this request.

10.G



CITY OF BELFAST

City Hall
131 Church Street
Belfast, Maine 04915

Joellyn Warren
Deputy Economic Development Director

E-mail: deputyecondev@cityofbelfast.org
Phone: (207) 338-3370, extension 124

TO: Honorable Mayor Eric Sanders, Belfast City Councilors, and City Manager Erin Herbig

FROM: Joellyn Warren, Deputy Economic Development Director

DATE: September 23, 2024

RE: Approval to accept professional services response and enter into a contract with GEI Consultants, Inc. to conduct and prepare a Belfast Vulnerability Assessment for the City of Belfast.

The City recently issued a Request for Proposals for responses by professional service firms to perform a vulnerability assessment and develop climate adaptation strategies for the City's harbor. The City was awarded a community action grant for \$50,000 through the Community Resilience Partnership of the Governor's Office of Policy Innovation and the Future (GOPIF) to fund a vulnerability and resilience plan.

Developing a climate vulnerability assessment involves identifying key exposures and risks to community facilities due to the intensity and frequency of events related to climate change. The vulnerability assessment will result in the identification of key infrastructure impacts, the most effective adaptation practices and policies, the local capacities to tackle these challenges, and the steps necessary to implement adaptation responses. The project area is focused on the city's waterfront and includes areas along the harbor from the Armistice footbridge, the harbor walk, Belfast Wastewater Treatment Plant, City Landing/Heritage Park, and the Boathouse.

Six firms responded to the RFP by the due date of September 5, 2024. Members of the Harbor Committee, Climate, Energy, and Utilities Committee, and staff reviewed, and numerically ranked responses according to the established weights in the RFP. Based on the ranking, the firm, GEI Consultants, Inc. located in Portland, ME, received the highest score. According to their response, GEI's waterfront structures team and landscape architects will lead the way on adaptation design strategies identified through the data and community-driven vulnerability assessment. In addition to detailed mapping and images, their team of designers, engineers, and planners will develop and evaluate adaptation strategies for infrastructure at risk of flooding. Adaptation strategies will include multiple options, cost estimates, and suggested timelines for implementation.

The scope of services to be performed must be started no later than October 1, 2024, and must be completed no later than June 30, 2025. Information collected as part of this Project will inform sections of their Hazard Mitigation Plan to be started as a separate and parallel project anticipated to begin in January 2025.

At this time, the Deputy Economic Development Director requests that the City Council take the following actions:

- 1) Accept GEI Consultants, Inc. to perform a vulnerability assessment for the City of Belfast and enter into a contract with the consultant for professional services.



10.H

CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

Pamela J. Salokangas, CPRP, CPSI
Parks & Recreation Director

Email: parksandrec@cityofbelfast.org
Phone: (207) 338-3370, ext. 127

MEMORANDUM

TO: Erin Herbig, City Manager and City Council Members
Amy Bradford, Finance Director
FROM: Pam Salokangas, Parks and Recreation Director
DATE: September 26, 2024
RE: Donation

The City of Belfast's Parks and Recreation Department received a donation in the mail from Atlantic Challenge USA and Arista Holden.

Arista enclosed a lovely note thanking the City and the Parks and Recreation Department for the assistance provided to her group for the Atlantic Challenge week-long event in July 2024. She was very appreciative of the assistance received for use of the Boathouse and Steamboat Landing Park.

Ms. Holden didn't indicate a use for the \$500 donation, but Director Salokangas is recommending that these funds be put toward the future purchase of new, lighter table racks, and eventually some new and lighter tables for use by Boathouse rentals.

I am requesting that the Belfast City Council consider accepting this donation on behalf of the Belfast Boathouse. Thank you!



10.I+J

ORDER OF CONDEMNATION

CITY OF BELFAST, MAINE

(23 M.R.S. § 3021 et. seq., 30-A M.R.S. § 3101)

KNOW ALL PERSONS BY THESE PRESENTS: The Notice of Intent to Condemn Real Property Interests and to adopt this Condemnation Order has been seasonably and publicly posted by the City of Belfast, Maine, a duly chartered municipal corporation, with a principal place of business at Belfast City Hall, 131 Church Street, Belfast, ME 04915, as described herein, and additional notice via FEDEX mailing was provided to the following named entity:

74 HIGH STREET, LLC
Attn: James Constable, Principal
23 Barnard Road
Belmont, MA 02478

Pursuant to and consistent with 1 M.R.S. § 816, 30-A M.R.S. § 3101, and 23 M.R.S. § 3021 et seq., the members of the Belfast City Council, in their capacity as the Municipal Officers of the City of Belfast, Maine, gave seasonable notice of their intentions to Condemn and take by the process of Eminent Domain the fee interest in and to that certain property located in said City at **74 High Street** and shown on the City's Tax Maps at **Map 37, Lot 151** (the "Property"), by posting notices at (1) the City of Belfast City Hall Building located at 131 Church Street, Belfast, Maine 04915, (2) the Official Website of the City of Belfast, and (3) on the premises of the Property. The postings were completed on September 11, 2024.

A public hearing was conducted on September 17, 2024 by the Belfast City Council sitting at 131 Church Street, Belfast, Maine. Thereafter the Belfast City Council voted to approve this Condemnation and taking by Eminent Domain of the Property as described in Exhibit A attached hereto, and to pay \$0 in Damages in consideration of the adjudged dangerous building located on the Property which must be removed at substantial expense, as detailed within the attached Exhibit B.

At the public hearing, the Belfast City Council adopted legislative findings as described in Exhibit C, attached hereto, consistent with Eminent Domain authority granted to municipalities as set forth in 1 M.R.S. § 816, 23 M.R.S. § 3021 et. seq., and 30-A M.R.S. § 3101.

THEREFORE, the Municipal Officers, sitting as the Belfast City Council, and waiving the second reading as provided by the Belfast City Charter, hereby Resolve, Order and appropriate this Condemnation Order to take by Eminent Domain the real property interests described and depicted in Schedules A and B, from the property owner therein named, by unanimous vote on September 17, 2024.

RESOLVED, ORDERED AND APPROPRIATED, this 17th day of September, 2024.

By the City Council of the City of Belfast, Maine:

Mary Mortier, Ward 1 Councilor

Neal Harkness, Ward II Councilor

Brenda Bonneville, Ward III Councilor

Christopher Bitely, Ward IV Councilor

Paul Dean, Ward V Councilor

EXHIBIT A

A certain real property, together with buildings and improvements thereon, located at 74 High Street, Belfast, Waldo County, Maine, depicted on the City of Belfast's Tax Maps at Map 37, Lot 151, and being further described in a deed to 74 High Street, LLC recorded in the Waldo County Registry of Deeds at Book 3659, Page 117 as follows:

A CERTAIN lot or parcel of land, with any buildings thereon, situated in Belfast, County of Waldo and State of Maine, more particularly bounded and described as follows:

BOUNDED on the North by the land formerly of Charles N. Black, on the East by High Street; on the South by land now or formerly of Hester Brown et als; and on the West by land formerly of Thomas B. Dinsmore and land formerly of Mrs. A.C. Burgess. Together with the right to enter the land now or formerly of Elena B. Shute solely to (1) maintain the rear of the building of the Grantee herein located on the premises described in a deed of Mae Murray Nursing Homes, Inc. to Bradbury Manor dated August 3, 1962 and recorded in the Waldo County Registry of Deeds in Book 604, Page 335, and (2) use and maintain the existing fire escape located on the premises of Elena B. Shute and attached to the said building of the Grantee herein. Being the same easement described in a deed from Elena B. Shute to Bradbury Manor, dated June 30, 1996 and recorded in the Waldo County Registry of Deeds at Book 1622, Page 114.

MEANING and intending to convey Parcel One in a deed of Bradbury Manor and Robert J. Dore to Robert J. Dore, dated November 24, 2009, and recorded in the Waldo County Registry of Deeds.

FOR REFERENCE, see deed of Robert J. Dore to James W. Green, dated December 8, 2009 and recorded in the Waldo County Registry of Deeds at Book 3040, Page 55.

EXHIBIT B

ACCOUNTING OF DAMAGES

74 HIGH STREET, BELFAST

Total Assessed Property Value 2023-2024	\$179,800.00
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Cost to Properly Remove Structure And Remediate Property, as set forth in a proposal By EnviroVantage dated May 11, 2023 (Attached to this Exhibit as Exhibit B-1)	\$455,275.00
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Cost to Properly Remove Structure as adjusted for inflation between May 2024 and August 2024	\$471,246.00
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Resulting Value of Property Considering Cost of Required Remediation:

$\$179,000 - \$471,246 = -\$292,246$

Damages assessed to be paid in connection with Condemnation Order: \$ 0.00



Cleaning Up the Past
FOR YOUR FUTURE



May 11, 2023
Peter Sherr
TRC Companies
Belfast, ME, 04915
psherr@trccompanies.com

Re: Bradbury Manor Budget, 74 High Street, Belfast, ME

Dear Peter,

The scope of this project is based on information gathered during the site visit in conjunction with the hazardous materials report named 74 High Street Belfast, Maine by Haley Ward Inc dated January 27, 2022. The work involves the following abatement and structural demolition activities:

PCB Paint Removal

- Grey masonry floor paint in basement hall
 - Paint test results read 1.26 ppm
 - >1ppm must be properly disposed of in accordance with MDEP regulations

Asbestos Abatement

- Cementitious ceiling board
- Floor tile and mastic
- Basement boiler room fire door
- Remove vinyl siding, Non-ACM
- Remove cementitious exterior shingle siding

Universal Waste

- Remove and dispose of all universal waste listed in the Jan 27, 2022 report

Structural Takedown

- Demolition of 3 story residential structure
 - Roof system
 - Interior and Exterior Walls
 - Floor/Ceiling Systems
 - MEP systems
 - Foundations complete
 - Price does not include any backfill.
 - Foundation areas will be left sloped for safety



Cleaning Up the Past
FOR YOUR FUTURE



Total budgetary cost of labor, materials, equipment, and disposal: \$455,275.00

Asbestos Notes:

- Ten working day notification sent upon receipt of signed contract, work to be scheduled thereafter
- All items will need to be removed from the work area by owner prior to set up
- EnviroVantage to provide personal air monitoring for it's employees, containment monitoring to be done by Industrial Hygienist

Asbestos Abatement Process:

- Set up containment and/or regulated areas/exclusion zones as required
- 3-Stage Decontamination unit
- Place containment under negative air as necessary using HEPA filtered equipment
- Remove asbestos containing materials as defined in scope
- Double bag and label asbestos waste for proper disposal
- HEPA vac and clean containment for visual and air clearance by Industrial Hygienist
- Remove containment and properly dispose of materials generated
- Properly manage & supply waste stream documentation to ensure accurate disposal
- Floors, ceilings, and/or wall finishes scheduled to be removed are anticipated to be one (1) layer only

Asbestos Exclusions

- Industrial Hygienist to be provided by GC/Owner for any clearances or monitoring
- Excludes any insulation removal

Structural Takedown Notes:

- Dumpster(s) to be placed on site adjacent to work area
- Remove and dispose of identified items to be demolished
- Properly manage & supply waste stream documentation to ensure accurate disposal
- Requires OSHA Lead in Construction 29 CFR 1926.62 This includes: Medical evaluation, respiratory clearance, training and fit tests for workforce on all projects exceeding 30 days where LBP is impacted
- Saw cutting as required for demolition

Structural Takedown Exclusions:

- Excludes erosion and sediment controls
- Excludes any/all excavation, dewatering, backfilling and importing materials, compacting and finish grading, loam & seed – holes left by footings and foundations will be left sloped
- Excludes any/all shoring and bracing of structure to remain
- Excludes any/all utility disconnects and make safe prior to demolition

Quotation Notes:

- Pricing valid for 30 days after the proposal date
- Quote based on doing our scope of work in one mobilization in straight time



Cleaning Up the Past
FOR YOUR FUTURE



- Quote based on the project schedule represented at time of bid by GC/Owner
- Any project schedule changes made after the date of this proposal will require a review of our estimated cost
- Unplanned additional mobilizations will carry an \$1,800.00 cost per mobilization
- Unplanned additional mobilizations for heavy equipment requiring a flatbed trailer will carry an added combined cost of \$4,500.00 for mobilization and demobilization
- EnviroVantage has \$10M in Pollution Insurance
- Supply properly trained supervisor and workers
- Supply proper fall protection while working
- Supply proper PPE for EnviroVantage employees
- All recyclable material/metals to be property of EV

Quotation Exclusions:

- Excludes all put back of any items removed
- Excludes all hazardous materials beyond noted and detailed above in the description of work
- Excludes any/all disconnection of utilities
- Excludes any/all winter conditions
- Excludes any/all severe storms not limited to lightning, blizzards, flooding etc
- Excludes any/all sidewalk, traffic controls and police detail
- Excludes any/all engineering
- Excludes any/all fencing and pedestrian safety barriers
- Excludes any/all unforeseen conditions not depicted in/on bid documents
- Excludes any/all general conditions (facilities, fencing, pedestrian safety barriers, etc.)

Owner/GC Responsibilities:

- Owner/GC responsible for any additional city and town permits
- Owner/GC to supply access to work area, water, and electricity throughout duration of project (20 AMPS per 1,000 SF is minimum requirement)
- Owner/GC to provide adequate water hookup and water supply on site for dust control
- Owner/GC to remove or salvage all items from the work area prior to start of work
- Owner/GC to provide complete layout and mark out
- Owner/GC responsible for slab X-Ray to identify existing obstacles prior to slab cutting
- Owner/GC to provide temporary dust/construction partitions if required
- Owner/GC to provide lock-out/tag-out
- Owner/GC to provide temporary protection at the end of each day if required
- Owner/GC to provide NESHAP survey prior to demo

Expectations:

- No performance and payment bond included
- Not based on Davis Bacon rates
- No entry into work area by persons other than licensed/trained personnel while work is being performed
- All MEP's are to cut, capped, and made safe by others



Cleaning Up the Past
FOR YOUR FUTURE



- Adhering to OSHA 29 CFR 1926.1153

Look forward to speaking with you,

Sincerely,

Vince

Vince Marcisso
Vice President, Demolition
Cell: (207) 749-9393
Toll-Free: (800) 640-5323

Jordan

Jordan Nystedt
Estimating Manager
Office: (603) 679-9682
Toll-Free: (800) 640-5323

Terms and Conditions:

The above price(s), specifications and conditions are satisfactory and are hereby accepted.

EnviroVantage is authorized to perform the work as of _____,

Payment Terms: Net 30

Overdue payments will bear interest at two (2) percent per month. Costs of collecting overdue invoices, including reasonable attorney's fees will be added to the invoice for collection.

Authorized Signature: _____

*Price quoted is only valid for 60 days after date of proposal. Signature required prior to start of project.

Company Overview

EnviroVantage is a highly trusted, demolition, environmental and indoor air quality contractor who has provided safe, well-planned delivery and execution of our services for over 35 years. We lean on technology, state-of-the-art equipment, and trained skilled labor to safely deliver our clients industry-best practices on job sites every day. Our culture is driven by our focus and commitment to safety, high quality workmanship, and environmental responsibility. We are committed to doing what it takes to get the project done right the first time. For further information please visit our website at www.envirovantage.com.

EXHIBIT C

STATEMENT OF LEGISLATIVE FINDINGS CONDEMNATION OF 74 HIGH STREET, MAP 37, LOT 15

1. The Structure (“Structure”) located at 74 High Street and depicted on the City’s Tax Maps as Map 37, Lot 151 and further described in Exhibit A of the Order of Condemnation to which this Exhibit C is attached (the “Property”) was adjudged by order of the City Council dated April 20, 2021 and approved by Council resolution dated June 1, 2021 to be a dangerous building pursuant to 17 M.R.S. § 2851. Said Order, which is incorporated into these findings by reference, ordered the Structure to be removed by the owner, 74 High Street, LLC.
2. The City subsequently brought an action in Belfast District Court under Docket Number WALDC-CV-2021-014 pursuant to 17 M.R.S. § 2851 et. seq. seeking an order from the Court that the Structure be removed. The facts and conclusions set forth in the Complaint in said action dated February 5, 2021, as well as the Court’s Judgment and Order dated June 26, 2024, are incorporated herein by reference.
3. The Belfast District Court, by its Judgment and Order dated June 26, 2024, found “that the structure at 74 High Street in the City of Belfast, Maine, is a dangerous building in violation of the City of Belfast’s Property Maintenance Code” and ordered that the Defendant remove and properly dispose of the Structure within 30 days of the entry of that Order.
4. Despite having had more than three years since the dangerous building order was issued and approximately three months since the Court’s Order was issued, owner 74 High Street, LLC has taken no actions to have the Structure removed in accordance with those respective orders, and has expressed no intention or ability to remove the Structure.
5. The City, with the assistance of the Maine Department of Environmental Protection, has used an awarded Brownfields Assessment Grant to obtain detailed environmental and structural reviews of the condition of the Structure and of the work needed to properly remove and dispose of the Structure, which includes materials containing asbestos and other hazardous materials.
6. The City has obtained a professional quote from EnviroVantage for the removal, cleanup, disposal and remediation work associated with properly removing and disposing of all Structure materials. The quote, dated May 11, 2023, reflects an estimated cost of work of \$455,270. Adjusted for inflation through August of 2024 (the last date for which data is available) the cost of work is estimated to be \$ 471,246.
7. While the City has authority to dispose of the Structure pursuant to the dangerous building and Court orders, it has no source of funding to provide for the appropriate and necessary costs of removal and disposal of the Structure.

8. While significant grant funds are available for cleanup of hazardous structures, the grantee is generally required to own the structure in order to access those grant funds. The City's Economic Development Director has identified such grant sources for which this Property would be immediately eligible, if owned by the City.
9. The Property is located on a main thoroughfare of the City, and its derelict condition has created slum and blight in an area that is critical to the economic vitality of the City of Belfast.
10. The Property also falls within the Downtown Waterfront Master Plan as adopted by the City Council June 1, 2011 and Updated February 21, 2012, which made recommendations regarding the revitalization and improvement of the City's critical downtown waterfront area. The Master Plan specifically "encourage[s] the demolition of the former Bradbury Nursing Home building on High Street [the Property]."
11. The Property's vacant and accessible condition makes it an attractive nuisance for local residents and visitors, and a location for potential trespass and occupancy by the public, contributing to risk of fire or injury.
12. The Structure has been adjudged by properly qualified structural engineers, as well as by the City's Code Enforcement Officer, City Planner, City Council and the Belfast District Court to be a dangerous and hazardous structure that poses a risk to the public due to its structural instability, presence of dangerous mold, hazardous building materials and fire risk.
13. The Structure must be immediately removed to protect the health, safety and wellbeing of Belfast residents and visitors, and the security and safety of the properties surrounding the Property.
14. Because the City does not have appropriated funds to remove the Structure and has no reasonable expectation or ability to assess the substantial costs of removal upon the City's taxpayers, the only reasonably likely way to access necessary funds is through obtaining ownership of the Property and obtaining grant funds to remove the Structure.
15. The City Council believes that the condition of the Property will continue to deteriorate at an accelerated rate if action is not taken to remove the Structure.
16. Once cleanup is complete, the Property will be usable for other beneficial purposes, to include commercial and/or residential redevelopment, or as open space for recreational use, all of which uses are deemed to have substantial public benefit in the Downtown Waterfront Area.
17. Based upon the foregoing, there exists public exigency sufficient to support this condemnation. The City has engaged the Property's owner with a request to take ownership of the Property, which request has been refused. The exercise of eminent

domain is necessary in order to most quickly remove the Structure and stop the risk of harms that it poses to City residents, visitors and property owners, and to remove the slum and blight on a critical downtown neighborhood.

18. In accordance with the findings set forth in Exhibit B attached to the Order of Condemnation, the City Council assesses no damages to 74 High Street, LLC in connection with the Order because the cost of removal of the Structure far exceeds the value of the Property.