

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

S.P. 137 - L.D. 459

**An Act Regarding Presumptive Eligibility and Homelessness under the  
General Assistance Laws**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §4301, sub-§5-A** is enacted to read:

**5-A. 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 chapter 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.

**Sec. 2. 22 MRSA §4308, sub-§2,** as amended by PL 1999, c. 45, §1, is further amended to read:

**2. Emergencies.** A person, including a person experiencing or facing homelessness, who does not have sufficient resources to provide one or more basic necessities in an emergency is eligible for emergency general assistance, even when that applicant has been found ineligible for nonemergency general assistance, except as provided in this subsection.

A. A person who is currently disqualified from general assistance for a violation of section 4315, 4316-A or 4317 is ineligible for emergency assistance under this subsection.

B. Municipalities may by standards adopted in municipal ordinances restrict the disbursement of emergency assistance to alleviate emergency situations to the extent that those situations could not have been averted by the applicant's use of income and resources for basic necessities. The person requesting assistance shall provide evidence of income and resources for the applicable time period.

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.

**Sec. 3. 22 MRSA §4309, sub-§5** is enacted to read:

**5. Presumptive eligibility.** The overseer in a municipality shall presume eligibility to receive general assistance of a person who is provided shelter in an emergency shelter for the homeless located in that municipality. After 30 days, that person's eligibility must be redetermined. When presumptive eligibility is determined under this subsection, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

**Sec. 4. Work group.** The Department of Health and Human Services shall convene a work group of stakeholders to study the municipal general assistance program established in the Maine Revised Statutes, Title 22, chapter 1161 to determine more efficient methods of distributing general assistance benefits to individuals, review differential effects on service center municipalities and other municipalities of providing general assistance, devise equitable methods of establishing the municipality of responsibility and develop services to reduce homelessness and reliance on homeless shelters. The stakeholders must include, but are not limited to, the Maine State Housing Authority and organizations representing mayors, municipalities, general assistance providers, clients of services and other appropriate persons. The department shall report its findings, together with recommendations and any suggested legislation, to the Joint Standing Committee on Health and Human Services no later than January 2, 2020.