



**City Council Workshop & Meeting  
Agenda  
October 7, 2024  
Auburn Hall, Council Chambers**

**5:30 PM Workshop**

- Presentation by Safe Voices
- 121 Mill Street Update
- November 5, 2024 Election Update
- Legislative Policy Discussion

**7:00 PM Meeting**

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Whiting*

- I. **Consent Items** – *All items with an asterisk (\*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*
1. **ORDER 127-10032024\*** - Confirming the appointments of Election Wardens and Ward Clerks for the November 5, 2024 State-wide General/Referendum Election.
  2. **ORDER 128-10032024\*** - Confirming Chief Moen’s appointment of Joshua Perkins as Constable without firearms/arrest powers for the Auburn Police Department.
  3. **ORDER-129-10032024\*** - Appointing Rex Rhoades, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
  4. **ORDER-130-10032024\*** - Appointing Rebecca Swanson Conrad, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
  5. **ORDER-131-10032024\*** - Appointing John Cleveland, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
  6. **ORDER-132-10032024\*** - Appointing Adam Lee, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

7. **ORDER-133-10032024\***- Appointing Denis Bergeron, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
8. **ORDER-134-10032024\***- Appointing Mathieu Duvall, Ward 3, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
9. **ORDER-135-10032024\***- Appointing Kelly Butler, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
10. **ORDER-136-10032024\***- Appointing Bruce Rioux, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
11. **ORDER-137-10032024\***- Appointing Jane Costlow, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
12. **ORDER-138-10032024\***- Appointing Dana Staples, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
13. **ORDER 139-10032024\***– Appointing Riley Bergeron and Paul Jacques, of the Planning Board, to the Comprehensive Plan Committee, as nominated by the Planning Board.
14. **ORDER 140-10032024\*** - Appointing John Ruccolo to the Complete Streets Committee for an unexpired term that expires 1/1/2025, as nominated by the Appointment Committee.
15. **ORDER 141-10032024\*** - Appointing Patrick DeFilipp to the Auburn Sewer District for an unexpired term that expires 3/1/2026, as nominated by the Appointment Committee.

II. **Minutes** – September 16, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

- Proclamation recognizing the Month of October as Manufacturing Month
- Proclamation recognizing the Month of October as Domestic Violence Awareness Month
- Reminder: Absentee voting now available; ballots may be requested until October 31
- Auburn Fire Department Recognition

IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

1. **ORDINANCE 18-09162024** - Zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the

Multifamily Suburban zoning district. *Second reading/public hearing. Passage requires majority vote. ROLL CALL VOTE.*

**VI. New Business**

1. **ORDER 142-10032024** – Appointing two City Councilors to the Comprehensive Plan Committee.
2. **ORDER 143-10032024** – Authorizing acceptance of the 2024 Byrne Jag Grant in the amount of \$17,209.00 for the Auburn Police Department. *Passage requires majority vote.*
3. **ORDINANCE 19-10032024**– Adopting revised MMA General Assistance Ordinance and 2024/2025 GA Maximums. *First reading. Passage requires majority vote. ROLL CALL VOTE.*
4. **ORDER 144-10032024** - Casting a vote for Councilor Leroy Walker to represent County Commission District 6 on the Androscoggin County Budget Committee. *Passage requires majority vote.*

**VII. Reports**

- a. **Mayor’s Report**
- b. **City Councilors’ Reports**
- c. **Student Representative Report**
- d. **City Manager Report**

**VIII. Open Session** - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

**IX. Executive Session**

**X. Adjournment**

SafeVoices

# Domestic Abuse in Our Communities

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*And what services are available to our friends and neighbors who are experiencing abuse and violence.*

[www.safevoices.org](http://www.safevoices.org) 

# What is Domestic Abuse & Violence?



A pattern of coercive, controlling behavior



In the context of an intimate relationship



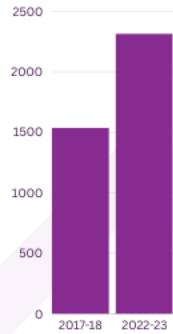
Chosen by the abuser to enforce their position of power over the survivor



Instills fear and denies the survivor's personal liberty



The abuser believes they are entitled to this position of power, with this belief stemming from cultural context that privileges the rights of some over others, based on gender, ability, class, age, or other factors



We have seen a 50% increase in need over the past six years.

## Rapidly Increasing Need

We have seen a year-over-year increase since the pandemic in the need for our services, culminating in a 50% increase over the last six years.

## Area Numbers

- Safe Voices supported over 250 individual survivors in **Auburn** last year
- We supported 1,100+ in **Androscoggin County**, and over 2,300 individual survivors in our **tri-county** service area.
- Additionally, we served about 350 people who were not, themselves, survivors, including family, law enforcement, or medical professionals who called for consultations and advice.
- Statewide, Maine's domestic violence resource centers served over 15,000 survivors last year.



## In Our Communities



## Sheltering

Last year, we sheltered **109 survivors** across our three shelter facilities, including one confidential shelter for survivors of DV in Androscoggin County, one confidential safe house for survivors of sex trafficking in Androscoggin County, and one secure shelter for survivors of DV in Franklin County.



## Safe Voices Services

- 24-hour helpline
- Emergency shelter
- Transitional housing services
- Civil and legal courtroom advocacy
- Individual advocacy including safety planning
- CPS liaison for a non-offending parent
- Support groups
- School-based education
- Public awareness education
- Certified Domestic Violence Intervention Program (CDVIP) for offenders/abusers
- Coordinated Community Response & High Risk Response Team meetings across organizations

## What happens when someone calls our Helpline?

- Helpline calls with our advocates are confidential.
- Our answering service will ask for:
  - A first name
  - The best number to call you back
  - Whether it is safe for us to leave a message
- They will then dispatch the call to a Safe Voices advocate.
- We ask what made them call today, and then we listen.





## What happens when someone calls our Helpline? (cont.)

- We validate their feelings.
- We ask what would be most helpful.
- We problem solve alongside them, not for them.
- We safety plan.
- We refer them to a civil or legal advocate on staff who has specialized knowledge in what that survivor has expressed needing.
- We offer resources aimed at increasing safety.





## What is a safety plan?

A safety plan looks different for every survivor, and is based on what that survivor identifies as the risk factors unique to their situation and what things they think would keep them safest. It might include:

- Cameras for their home that they can monitor remotely
- Filing a PFA
- Blocking an abuser's number
- Increasing the privacy settings on their social media
- Fleeing to the home of a friend or family member who the abuser doesn't know
- Calling law enforcement
- Staying and planning for "safety in place"

# What are some of the biggest challenges for survivors and DVRCs?



## Affordable Housing

Lack of affordable housing delays or prevents survivors leaving, increases their length of stay in shelter, and threatens stability. This is doubly true for pet-friendly housing.



## Stresses on Legal System

Stresses on the legal system has left survivors vulnerable. Risk of charges being dismissed or bail lowered due to lack of public defenders makes survivors more nervous to call law enforcement at all.



## Funding Threats

Federal and state funding have been flat or have even decreased in the last few years, while need has dramatically increased.

*SafeVoices*

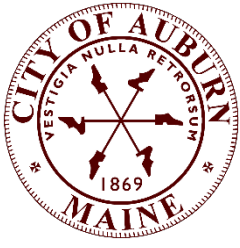
# THANK YOU

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**Rebecca Austin**, Executive Director  
[raustin@safevoices.org](mailto:raustin@safevoices.org)

**Grace Kendall**, Director of Development & Engagement  
[gkendall@safevoices.org](mailto:gkendall@safevoices.org)

[www.safevoices.org](http://www.safevoices.org) 



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024,

**Order:**

**Author:** Glen E. Holmes, Director of Business & Community Development

**Subject:** 121 Mill Street Resource Center Update

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**Information:** Provide an overview of the status of the project and provide information regarding current projected timeline and budget.

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**City Budgetary Impacts:** NONE

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**Staff Recommended Action:** NONE

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**Previous Meetings and History:**

July 1, 2024

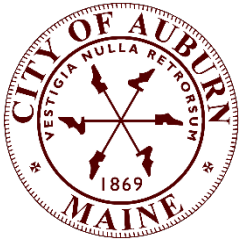
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**City Manager Comments:** NONE

Signature:

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**Attachments:** NONE



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Author:** Emily F. Carrington, City Clerk

**Subject:** November 5, 2024 Election Update

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**Information:** The City Clerk will provide information about the upcoming November 5, 2024 election, an update on the status of absentee ballot requests, as well as a high-level overview of election-related security procedures.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** N/A

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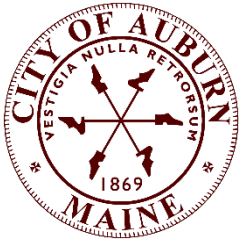
**Previous Meetings and History:**

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**City Manager Comments:**



**Attachments:** None



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Order:** 127-10032024\*

**Author:** Emily F. Carrington, City Clerk

**Subject:** Appointing Election Wardens and Ward Clerks for the November 5, 2024 election

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**Information:**

As required by the City's Charter, the City Clerk shall nominate Wardens and Ward Clerks to be confirmed by the City Council. The City Clerk has nominated the following residents to serve as Wardens and Ward Clerks for the November 5, 2024 General Election:

Ward 1 & 2: Audrey Murphy, Warden  
Christine Sirois, Ward Clerk

Ward 3 & 4: Robert Hayes, Warden  
Carl Young, Ward Clerk

Ward 5: Doreen Jordan, Warden  
Susan Martin, Ward Clerk

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Recommend passage.

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**Previous Meetings and History:**

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**City Manager Comments:**

I concur with the recommendation. Signature:

**Attachments:** Order

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**ORDER 127-10032024**

# City Council Order

## IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to serve for the November 5, 2024 election by the City Council, as nominated by the City Clerk:

Ward 1 & 2: Audrey Murphy, Warden  
Christine Sirois, Ward Clerk

Ward 3 & 4: Robert Hayes, Warden  
Carl Young, Ward Clerk

Ward 5: Doreen Jordan, Warden  
Susan Martin, Ward Clerk

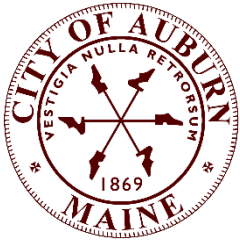
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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7<sup>th</sup>, 2024

**Order:** 128-10032024\*

**Author:** Jason D. Moen, Chief of Police

**Subject:** Confirm Chief Moen's appointments of Constable without firearms/arrest powers for the Auburn Police Department.

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**Information:** Chief of Police Moen requests that the Auburn City Council appoint Constables without Firearms/Arrest Powers on behalf of the Auburn Police Department within the City of Auburn for 2024.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Vote to confirm Chief Moen's appointments of Joshua Perkins as Constable without firearms/arrest powers on behalf of the Auburn Police Department within the City of Auburn for 2024.

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**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**



# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby appoint the following named persons to serve documents as Constable Process Servers without firearm/arrest powers on behalf of Auburn Police Department within the City of Auburn for 2024.

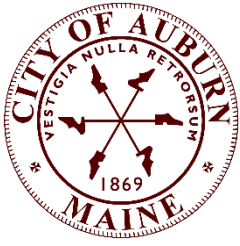
Joshua Perkins	Employee	Constable	Without Firearm	New Appointment
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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Order: 129-10032024  
through 138-10032024\***

**Author:** Emily F. Carrington, City Clerk

**Subject:** Appointments to the Comprehensive Plan Committee

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**Information:** ORDER 106-08192024, which created the Comprehensive Plan Committee, specified of its membership: "Up to 10 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)." A request for applications for the Comprehensive Plan Committee was posted 8/21 and the deadline to apply was 9/24. A total of 19 applications were received.

The Appointment Committee met on October 1<sup>st</sup>, 2024 and have nominated the following 10 residents to the Comprehensive Plan Committee:

- Rex Rhoades – Ward 1
  - Rebecca Swanson Conrad – Ward 2
  - John Cleveland – Ward 2
  - Adam Lee – Ward 2
  - Denis Bergeron – Ward 2
  - Mathieu Duvall – Ward 3
  - Kelly Butler – Ward 4
  - Bruce Rioux – Ward 5
  - Jane Costlow – Ward 5
  - Dana Staples – Ward 5
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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Recommend passage.

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**Previous Meetings and History:** Passage of ORDER 106-08192024 at the August 19, 2024 Council meeting.

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**City Manager Comments:**

I concur with the recommendation. Signature:

**Attachments:** Applications, Orders

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## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Monday, August 26, 2024 7:36 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Denis

Middle Initial:

Last Name: Bergeron

Residence Address: 23 Dexter Ave.

Ward: Ward 2

City: Auburn

Home Phone: 2075764588

Cell Phone: 2075764588

E-mail Address: denis.p.bergeron@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Engineer

Education and/or experience: BS Mechanical Engineering, BS Park and Recreation Mgmt.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):: Denis

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I served on the planning Board for 9 years, then served on the 2010 Comprehensive Plan Update Committee. I've observed the uneven process Auburn has used to update the Comp plan since then and believe it's time for a comprehensive, transparent publicly informed re-evaluation. I think my experience can help.

What do you hope to accomplish?: Contribute to a document that positions Auburn to take productive advantage of the many demographic, cultural, and climate changes it will be faced with in the coming years.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Water district and Sewer Sistrict Trustee

Have you previously served on a City or Community Board or Committee? If so, which one(s)? Yes. Planning Board and 2010 Comp. Plan Update Committee

Dates served (if known): 2000 - 2009 and 2010 to 2012

How did you learn of this vacancy?: City web page

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Denis Bergeron

Date of Electronic Signature: August 26 2024

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Thursday, August 29, 2024 10:02 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Adam

Middle Initial: R.

Last Name: Lee

Residence Address: 87 Western Prom

Ward: Ward 2

City: Auburn

Home Phone: 2073124057

Cell Phone: 2073124057

E-mail Address: arlee4mehouse@gmail.com

Current Occupation: Attorney/State Representative

Previous Occupation (if retired or no longer working):

Education and/or experience: Former City Councilor, Municipal attorney handling land use, code enforcement, ordinance drafting, and housing for the City of Portland; currently practicing attorney representing municipalities and individuals with complaints against municipalities.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have substantial experience with land use, zoning, housing, and economic development from several perspectives. I have, as an attorney, represented numerous municipalities including the City of Portland and various towns with respect to land use, zoning, housing, and code enforcement matters. I have, also as an attorney represented various businesses and individuals with similar issues against municipalities. Additionally, as a former City Councilor and State Representative I have a unique blend of knowledge of the governmental perspective and current challenges in enacting an effective comprehensive planning strategy.

What do you hope to accomplish?: Confronting housing and transportation challenges in a manner that provides opportunities to Auburn residents given the present affordability crises, and doing so in a manner that maximizes economic development in a focused and meaningful manner that does not adversely affect our economic and natural resources.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Board of Assessment Review, Regulatory Advisory Board, Strategic Planning Committee

Dates served (if known): 2013-2022

How did you learn of this vacancy?: Social Media

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: /s/ Adam R. Lee

Date of Electronic Signature: 8/29/24

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Friday, August 30, 2024 1:16 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Kelly

Middle Initial: L

Last Name: Butler

Residence Address: 130 HICKORY DRIVE

Ward: Ward 4

City: AUBURN

Home Phone: 2073176131

Cell Phone: 2073176131

E-mail Address: kbutler1002@gmail.com

Current Occupation: Regional Director Behavioral Health Network

Previous Occupation (if retired or no longer working):

Education and/or experience: I currently hold three licenses in the state of Maine (LCPC, LADC, and CCS) which support my work as the Regional Director for a Behavioral Health Network which serves individuals and families struggling with emotional and physical health conditions.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): **Comprehensive Plan Committee**

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): From a young age I have been a community volunteer and hold a strong commitment to contributing to the community I reside in. I bought a home in Auburn about a year ago & am seeking an opportunity to contribute and learn more about Auburn. I would bring a fresh/objective perspective to the planning process and believe Auburn is an up and growing community that has the potential to offer a safe, fiscally sound and connected community culture. I think the community, like many of Maine communities is experiencing the challenges of individuals and families who struggle and my expertise in these areas can contribute to the comprehensive planning process.



What do you hope to accomplish?: As noted above, learning about the community, contributing to the development of a safe, culturally rich and economically sound community. Maintaining Auburn's rich history and business while supporting the ongoing development of Auburn's infrastructure (roads, ensuring all Auburn wards represent a welcoming and visually appealing engagement to visitors, and supporting the strengthening of Auburn's current development initiatives). Assisting with any gaps/needs for Auburn's current initiatives.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? No.

Have you previously served on a City or Community Board or Committee? If so, which one(s)? No.

Dates served (if known): N/A

How did you learn of this vacancy?: Media

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Kelly L. Butler

Date of Electronic Signature: 8/30/24

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Sunday, September 15, 2024 4:50 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Dana

Middle Initial: N

Last Name: Staples

Residence Address: 32 Greenfield Drive

Ward: Ward 5

City: Auburn

Home Phone: 2072401671

Cell Phone: 2072401671

E-mail Address: dana.staples@gmail.com

Current Occupation: VP of IT, ReVision Energy

Previous Occupation (if retired or no longer working):

Education and/or experience: masters in computer science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I am deeply invested in Auburn's future. I want nothing but the best for this community and have spent countless hours volunteering to help steer things in the right direction. I have previously served on numerous boards and committees for the city and have learned a great deal about how it works. I work well with people and hope to achieve a collaborative comp plan committee that is committed to planning for the best Auburn that we can become in ten years.

What do you hope to accomplish?: I want to assist the committee in determining how Auburn can plan for the next ten years. As the prices of everything continue to climb, we need to be prepared to do more with less. The aging population of Auburn will need to continue to find innovative solutions for expensive problems. I hope through good discussion this committee can plan for good outcomes.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Zoning Board of Appeals

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, 2020 Comp Plan Committee, Planning Board, Strategic Planning Committee

Dates served (if known): various since 2014

How did you learn of this vacancy?: website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Dana Staples

Date of Electronic Signature: 9/15/24

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Sunday, September 22, 2024 5:05 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: John

Middle Initial: J

Last Name: Cleveland

Residence Address: 183 Davis Ave Auburn ME

Ward: Ward 2

City: Auburn

Home Phone: 207.212.7755

Cell Phone: 207.212.7755

E-mail Address: jcleveland207@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Community Development & Planning Consultant 35yrs

Education and/or experience: USM Graduate BA Biology, Consultant: I helped several municipalities in Maine develop Comprehensive Plans, Create and implement Development Plans, Wrote land use ordinances, and worked as a municipal planner as staff for Planning Boards.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): **Comprehensive Plan Committee**

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to use my extensive experience in the private and public sector with land use planning to help Auburn develop a thorough and detailed Comprehensive Plan ,to create a vision and legal foundation for Auburn's growth for the next 10 - 15 years. As well as to use my knowledge of State Law regarding Comprehensive Plans to ensure the requirements are met. Additionally I believe my previous experience as Mayor of Auburn leading the community through a Comprehensive Planning process and subsequent land use ordinance changes will be helpful to this Comprehensive Plan Committee.

What do you hope to accomplish?: My goal is to help the Comprehensive Plan Committee to effectively and efficiently develop a Comprehensive Plan as required by State Law within the time frame outlined by State statute. As well as develop a Comprehensive Plan that meets the needs of the community and is consistent with the community's values.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Mayor, Auburn Public Library, Mayor's Representative to School Board, and others.

Dates served (if known): City Council 1977 - 1981, Mayor 1983- 1987 APL previously & currently, School Board 1977 - 1981.

How did you learn of this vacancy?: At a City Council Meeting

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: John J Cleveland

Date of Electronic Signature: September 22, 2024

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Friday, September 20, 2024 8:50 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Mathieu

Middle Initial:

Last Name: Duvall

Residence Address: 263 Sunderland Dr

Ward: Ward 3

City: Auburn

Home Phone: 2076898810

Cell Phone: 2076898810

E-mail Address: the.osf@gmail.com

Current Occupation: Educator

Previous Occupation (if retired or no longer working):

Education and/or experience: Master of Science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): As a past planning board member I have interest in the city's comprehensive plan. It is a foundational document that helps the city make decisions on land use, building codes, and growth.

What do you hope to accomplish?: Work to update the plan through a process that engages the citizens of Auburn and promotes smart growth. I also hope the document can point a way toward Auburn diversifying its transportation alternatives.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: no

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Planning board; Mayor's ad hoc on housing

Dates served (if known): 2019-2022 for pb; winter 2024 for the ad hoc

How did you learn of this vacancy?: John Cleveland

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Mathieu Duvall

Date of Electronic Signature: 9-20-24

## Emily Carrington

---

**From:** donotreply@auburnmaine.gov  
**Sent:** Thursday, September 19, 2024 8:09 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Jane

Middle Initial: T

Last Name: Costlow

Residence Address: 104 Fourth Street

Ward: Ward 5

City: Auburn

Home Phone: 1207576409

Cell Phone: 1207576409

E-mail Address: jcostlow@bates.edu

Current Occupation: Retired

Previous Occupation (if retired or no longer working): College Professor

Education and/or experience: BA, PhD

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have lived in Auburn for over thirty years; I love the community and have found it to be a place where individual residents can make a difference. I have enjoyed working with other Auburn residents on matters of interest where we try to improve the lives of everyone who lives here. I hope to learn more about the challenges and trade-offs of moving Auburn forward through participating in Comprehensive Planning work. While there are issues that particularly concern me (environment, housing, welcoming diverse new Mainers into our civic processes) I would come into the process with an open mind, eager to hear what other people care about, and to try to engage with as many different residents of Auburn as possible in charting a way forward.

What do you hope to accomplish?:



I hope to help construct a "blueprint" that is both aspirational and also grounded in the realities and challenges of the city. Beyond particular goals and benchmarks for the future, I would hope to find a way to capture the attention and imagination of more residents of Auburn " to get more people involved in caring about this community as their home. Whatever the future throws at us, having people care " and be willing to listen to their neighbors " is essential.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: SNRB, Conservation Working Group

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Solid Waste Task Force

Dates served (if known): (Last six months)

How did you learn of this vacancy?: A friend told me about it

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Jane T Costlow

Date of Electronic Signature: September 19, 2024

## Emily Carrington

---

**From:** donotreply@auburnmaine.gov  
**Sent:** Monday, September 23, 2024 11:28 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Rex

Middle Initial: H

Last Name: Rhoades

Residence Address: 880 Lake Shore Drive

Ward: Ward 1

City: Auburn

Home Phone: 20775549163

Cell Phone: 2077549163

E-mail Address: rrhoades360@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Newspaper executive

Education and/or experience: BA, dual major, Government & Economics

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I've lived here for 25 years and I have studied local governments as a newspaper editor for 40.

What do you hope to accomplish?: Bring positive input based upon my experience.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: None

Dates served (if known):

How did you learn of this vacancy?: Jeff Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.  
By typing your full name below, you are "signing" this electronic application.: Rex H Rhoades

Date of Electronic Signature: 09-23-2024

## Emily Carrington

---

**From:** donotreply@auburnmaine.gov  
**Sent:** Monday, September 23, 2024 12:15 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Rebecca

Middle Initial: R

Last Name: Swanson Conrad

Residence Address: 45 Dawes Avenue

Ward: Ward 2

City: Auburn

Home Phone: 207-576-5561

Cell Phone: 207-576-5561

E-mail Address: rebeccarysen@gmail.com

Current Occupation: Consultant

Previous Occupation (if retired or no longer working): President/CEO LA Metro Chamber of Commerce

Education and/or experience: BA Bates College; graduate work at USM

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have lived in Lewiston Auburn since graduating from Bates in 1982; marrying an EL graduate in 1984 and buying a home in Auburn in 1989. My professional and volunteer life have focused on education, arts and culture and economic development for our community and State. I would like to contribute to Auburn's comprehensive planning process to ensure our city can reach its highest potential and our citizens, especially our youth, can attain their highest aspirations. Having lived in Auburn for 35 years and planning to stay here through retirement, it is important to me that we both acknowledge previous work while simultaneously challenging our community to think creatively and expansively about the possibilities to make our City even stronger, more livable and appealing, and welcoming to new residents. While comprehensive plans are designed to provide state-required deliverables, the process for the community can also find common ground and develop a vision for the future.

What do you hope to accomplish?: A transparent process to ensure that Auburn residents see value in the comprehensive plan and understand how it is helpful for the City to make decisions, and reflects growth, development and redevelopment that makes the City stronger for both current and future residents and businesses.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Lewiston Auburn Airport Board

Dates served (if known): 2016-2019 (?)

How did you learn of this vacancy?: Mayor Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Rebeca Swanson Conrad

Date of Electronic Signature: 9/23/2024



# CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 9/22/24  
Last name: Rioix First name: Bruce Middle initial: B  
Residence address: 85 Mary Carroll St. Ward: 5  
City: Auburn State: ME Zip code: 04210  
Home phone: - Work phone: - Cell phone: 207-713-4400  
Email address: rioixbruce@gmail.com  
Current occupation: Retired  
Previous occupation (if retired or no longer working): SUN JOURNAL (ADVERTISING MAJOR ACCTS)  
Educational and/or experience (or attach your resume): 2 YEARS UNIV OF ME.

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

- Comprehensive Plan Committee
- 9-1-1 Committee
- Auburn Housing Authority
- Board of Assessment Review
- CDBG Loan Committee
- Conservation Commission
- Finance Committee
- Parks & Recreation Advisory Board
- Planning Board
- Water District
- Airport Board
- Audit & Procurement Committee
- Cable TV Advisory Board
- Community Forest Board
- Ethics Panel
- L/A Transit Committee
- Poland-Auburn Economic Development Committee
- Sewer District
- Zoning Board of Appeals

Is this application for a X new appointment or \_\_\_ reappointment or \_\_\_ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I believe I can best represent citizen interests and community growth through responsible planning. Water protection and neighborhood preservation are primary concerns.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). I would like to see Auburn grow responsibly, while protecting Lake Auburn, our schools, and traditional neighborhoods. I would encourage water/sewer extensions to create new housing opportunities away from Lake Auburn.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Auburn Business Development Corp

Dates served (if known)? 30+ years

Have you previously served on a City or Community Board or Committee? If so, which one(s)?

YES  
Auburn City Councilor Ward 5; Auburn Water Dist; Watershed Protection Commission

Dates served (if known)? 1990-91 (Council) 1990-2018? Water Dist & Watershed

How did you learn of this vacancy? Mayor & Council / Friends

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: [Signature] Date: 9/22/24

Please submit your application to;  
Susan Clements-Dallaire, City Clerk  
60 Court Street, Auburn, ME 04210  
207-333-6601, extension 1126 [sdallaire@auburnmaine.gov](mailto:sdallaire@auburnmaine.gov)

**FOR OFFICE USE ONLY**  
DATE APPLICATION RECEIVED: \_\_\_\_\_  
APPOINTMENT DATE: \_\_\_\_\_  
TERM EXPIRATION DATE: \_\_\_\_\_  
OATH DATE: \_\_\_\_\_



**ORDER 129-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Rex Rhoades – Ward 1

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager





**ORDER 130-10032024**

# City Council Order

## IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Rebecca Swanson Conrad – Ward 2

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 131-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- John Cleveland – Ward 2

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 132-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Adam Lee – Ward 2

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 133-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Denis Bergeron – Ward 2

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 134-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Mathieu Duvall – Ward 3

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 135-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

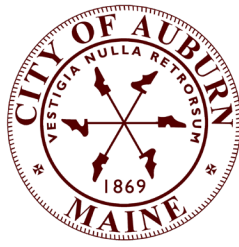
- Kelly Butler – Ward 4

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 136-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Bruce Rioux – Ward 5

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 137-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Jane Costlow – Ward 5

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager





**ORDER 138-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

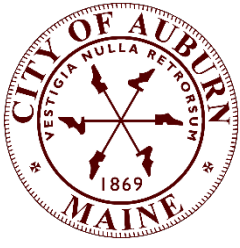
- Dana Staples – Ward 5

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Order:** 139-10032024

**Author:** Jacqueline Sawyer, Planning Department

**Subject:** Planning Board Nominations – Comprehensive Plan Committee

---

**Information:** ORDER 106-08192024, which created the Comprehensive Plan Committee, specified of its membership: "Up to two members of the Planning Board nominated by the Planning Board and appointed by the City Council (voting members)".

At the September 10th Planning Board Meeting, the board nominated Riley Bergeron and Paul Jacques to participate on the Comprehensive Plan Committee. These nominations are being brought before the Council for appointment.

---

**City Budgetary Impacts:** N/A

---

**Staff Recommended Action:** Recommend passage.

---

**Previous Meetings and History:**

---

**City Manager Comments:**

I concur with the recommendation. Signature:

**Attachments:** Order

---



**ORDER 139-10032024**

# City Council Order

**IN CITY COUNCIL**

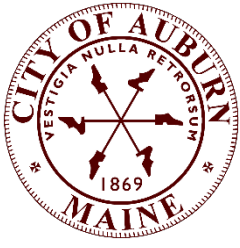
ORDERED, that Riley Bergeron and Paul Jacques be and hereby are appointed to serve on the City's Comprehensive Plan Committee, as nominated by the Planning Board.

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Order:** 140-10032024\*

**Author:** Emily F. Carrington, City Clerk

**Subject:** Appointment to the Complete Streets Committee

---

**Information:** The Appointment Committee met on October 1, 2024 to consider applications received for the Complete Streets Committee vacant resident seat (unexpired term ending 1/1/2025). Three applications were received by the 9/24 deadline. The Appointment Committee has nominated John Rucculo to fill the vacant seat for the unexpired term.

---

**City Budgetary Impacts:** N/A

---

**Staff Recommended Action:** Recommend passage.

---

**Previous Meetings and History:**

---

**City Manager Comments:**

I concur with the recommendation. Signature:

**Attachments:** Application, Order

---

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Sunday, September 22, 2024 6:56 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: John

Middle Initial: R

Last Name: Ruccolo

Residence Address: 1 Shepley St

Ward: Ward 2

City: Auburn

Home Phone: 603-969-5716

Cell Phone: 603-969-5716

E-mail Address: johnruccolo@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Sales

Education and/or experience: BS

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Complete Streets Committee

OTHER (Ad-Hoc Committees not on the list above):: N/A

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I enjoy biking in town and am concerned about the many, many people who run red lights every day. I am also concerned about rights of way for cyclists.

What do you hope to accomplish?: Establish bike lanes so that more folks will feel safe travelling by bike.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? No

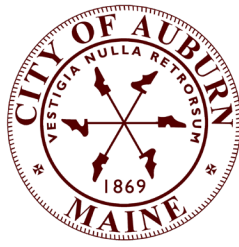
Have you previously served on a City or Community Board or Committee? If so, which one(s)? No

Dates served (if known): N/A

How did you learn of this vacancy?: At a council meeting

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.  
By typing your full name below, you are "signing" this electronic application.: John Ruccolo

Date of Electronic Signature: 9/22/24



**ORDER 140-10032024**

# City Council Order

## IN CITY COUNCIL

ORDERED, that the following be and hereby is appointed to the City of Auburn's Complete Streets Committee, for the unexpired term ending 1/1/2025:

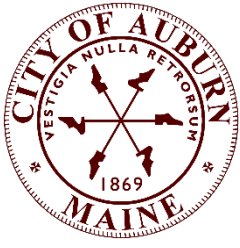
- John Ruccolo, 1 Shepley Street (Auburn Resident Member)

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Order:** 141-10032024\*

**Author:** Emily F. Carrington, City Clerk

**Subject:** Appointment to the Auburn Sewer District Board of Trustees

---

**Information:** The Appointment Committee met on October 1, 2024 to consider applications received for the two vacant Auburn Sewer District seats. One application was received by the 9/24 deadline and the Appointment Committee has nominated the applicant, Patrick DeFilipp, to fill a vacant seat for the unexpired term ending 3/1/2026. A request for more applications will be reposted to fill the remaining vacant seat.

---

**City Budgetary Impacts:** N/A

---

**Staff Recommended Action:** Recommend passage.

---

**Previous Meetings and History:**

---

**City Manager Comments:**

I concur with the recommendation. Signature:

**Attachments:** Application, Order

---



## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Wednesday, September 11, 2024 8:02 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Patrick

Middle Initial: A

Last Name: DeFilipp

Residence Address: 137 Cedarwood Road

Ward: Ward 3

City: Auburn

Home Phone: 207.782.6842

Cell Phone: 207.841.2547

E-mail Address: pdefilipp@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Engineer/Project Manager for heavy civil constr.

Education and/or experience: BS in Civil Eng., Registered PE in Maine & NH (Ret). Engineering and construction management experience

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Sewer District

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): To contribute to the successful operation of the Sewer District. I previously served on the board years ago and am familiar with the District's processes and procedures.

What do you hope to accomplish?: To assist with the management of the District and to help it comply with mandated requirements and regulations, and to help it operate in a safe and efficient manner.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Auburn Sewer District

Dates served (if known): Back in the Norm Lamie & John Storer years

How did you learn of this vacancy?: Was approached by Jeff Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.  
By typing your full name below, you are "signing" this electronic application.: Patrick A. DeFilipp

Date of Electronic Signature: 9.11.24



**ORDER 141-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby is appointed to the Auburn Sewer District Board of Trustees, for the unexpired term ending 3/1/2026:

- Patrick DeFilipp, 137 Cedarwood Road

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager

**IN COUNCIL WORKSHOP & MEETING SEPTEMBER 16, 2024 VOL 37 PAGE 189**

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Cowan was absent. Mayor Harmon and all other Councilors were present.

**I. Consent Items**

**Councilor Milks removed ORDER 111 from the Consent agenda (placed under New Business).**

- 2. ORDER 112-09162024\*** – Appointing Misty Edgecomb to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.
- 3. ORDER 113-09162024\*** – Appointing Corey Kinnan to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.
- 4. ORDER 114-09162024\*** – Appointing Haley Warden to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.
- 5. ORDER 115-09162024\*** – Appointing Elisabeth Collier to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.
- 6. ORDER 116-09162024\*** – Appointing Maureen Hopkins to the Planning Board, Associate Member, for the unexpired term ending 1/1/2026, as recommended by the Appointment Committee.
- 7. ORDER 117-09162024\*** - Approving the renewal of an Auto Graveyard/Junkyard permit for Randy’s Auto, 899 Broad St.
- 8. ORDER 118-09162024\*** - Approving the renewal of an Auto Graveyard/Junkyard permit for M&P Auto, Inc., 227 Merrow Rd.
- 9. ORDER 119-09162024\*** - Approving the renewal of an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.
- 10. ORDER 120-09162024\*** - Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Rd.

**Councilor Weisner removed ORDER 121 from the Consent agenda (placed under New Business).**

Councilor Walker moved for passage of the Consent Items, seconded by Councilor Weisner. Motion passed 6-0.

**II. Minutes** – September 3, 2024 Regular Council Meeting

Councilor Milks moved to accept the minutes, seconded by Councilor Platz. Motion passed 5-0-1 (Gerry abstained).

**III. Communications, Presentations and Recognitions**

- City Clerk to administer Oath of Office to Student Representative Mubarik Abdulahi
- Proclamation recognizing the 125th anniversary of Veterans of Foreign Wars of the United States and recognizing September 29 as VFW Day
- Revaluation Presentation – Assessor’s Office

**IV. Open Session**

Earl Bickford, New Auburn  
Paul Witten, Harvard St  
Gil Pinard, 425 Stevens Mill Rd  
Kathy Shaw, NP & Ag Committee  
Anthony, Auburn  
David Griswold, Auburn

**VI. New Business**

**1. ORDINANCE 18-09162024**– Zoning map amendment to convert certain parts of City Assessor’s Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district. First reading. Passage requires majority vote. ROLL CALL VOTE.

The following spoke:  
Stephen Beale, Durham

Councilor Whiting moved for passage, seconded by Councilor Platz. Motion passed 5-1 on a roll call vote (Gerry opposed).

**2. ORDER 122-09162024** – Appointing a Voting Delegate and alternative Voting Delegate for the MMA Annual Business Meeting. Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Gerry. Motion passed 6-0.

**3. ORDER 123-09162024** – Creation of the Mayor’s Bona Fide Agricultural, Recreational, and Natural Resources Land Use Ad-Hoc Committee. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Whiting.

Councilor Weisner moved to amend the order to add a requirement that there be two members appointed from the public. Seconded by Councilor Gerry. The motion passed 4-2 (Milks, Whiting opposed).

The order passed as amended, 4-2 (Milks, Walker opposed).

**4. ORDER 124-09162024** – Amending APPENDIX A (Fees and Charges) to include Fee Reimbursement/Refund Policy as presented at the May 20, 2024 Workshop. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Whiting. Motion passed 6-0.

**5. ORDER 125-09162024** – Authorizing reimbursement of a zoning petition fee to Robert Gagnon in accordance with ORDER 124-09162024. Passage requires majority vote.

Councilor Milks moved for passage, seconded by Councilor Gerry. Motion passed 6-0.

**6. ORDER 126-09162024** - Authorizing Assistant City Manager, Denis D’Auteuil, to serve as the alternate municipal official member on the Androscoggin County Budget Committee, representing County Commission District 5 for budget years 2024/2025. Passage requires majority vote.

Councilor Milks moved for passage, seconded by Councilor Walker. Motion passed 6-0.

**7. ORDER 111-09162024\*** – Appointing Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee.

Councilor Milks stated he would like to repost the position for more applications.

Councilor Gerry voluntarily recused herself from the vote as a resident of Auburn Housing, although no conflict of interest was found to exist among the Council.

Motion for passage of ORDER 111 failed 2-3 (Milks, Weisner, Walker opposed; Gerry recused). The City Clerk will repost the position for more applications.

**8. ORDER 121-09162024\*** - Approving the renewal of an Auto Graveyard/Junkyard permit for Don’s No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

Councilor Weisner moved to amend ORDER 121 to adopt the conditions, as provided in a staff memo. Seconded by Councilor Gerry. Motion passed 5-0 (Walker absent).

## **VII. Reports**

**a. Mayor’s Report** – Recognized the Fire Department response to recent fires; addressed groundbreaking of 186 Main St, and the 9/11 Remembrance Ceremony. Attended International Paper’s 50<sup>th</sup> anniversary event, and city employee appreciation lunch held on 9/11.

**b. City Councilors’ Reports** – Councilor Gerry commented on a recent meeting of the Homeless Committee. Councilor Whiting commented on the trails and outdoor facility off Stetson Rd. Councilor Milks welcomed Student Representative Mubarik Abdulahi. Councilor

**IN COUNCIL WORKSHOP & MEETING SEPTEMBER 16, 2024 VOL 37 PAGE 192**

Weisner welcomed Student Representative Mubarik Abdulahi, recognized the Fire Department, and recognized citizens expressing concerns over tax increases. Councilor Walker encouraged everyone to think about next year's budget. Councilor Platz shared an update from the School Department on Auburn Schools enrollment numbers.

**c. Student Representative Report** – Student Representative Egge encouraged people to register to vote. Student Representative Abdulahi thanked everyone for the welcome.

**d. City Manager Report** – Welcomed Student Representative Mubarik Abdulahi and recognized the Fire Department; commented on the success of the Blues & Brews festival with over 1,200 people attending.

**VIII. Open Session**

Earl Bickford, New Auburn

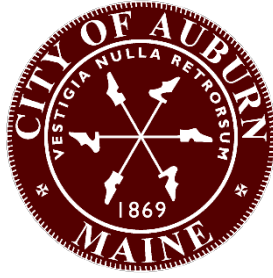
**IX. Executive Session**

**X. Adjournment**

Councilor Milks moved to adjourn, seconded by Councilor Weisner. Motion to adjourn passed 6-0; Council adjourned at 9:07pm.

**A TRUE COPY ATTEST**

**Emily F. Carrington, City Clerk**



## PROCLAMATION | **MANUFACTURING MONTH**

**WHEREAS**, the City of Auburn boasts 40 Transportation and Warehousing businesses and 49 Manufacturers within minutes of Exit 75 making it “Maine’s Manufacturing, Warehousing, and Distribution Hub”; and

**WHEREAS**, Maine is home to approximately 1,870 manufacturing business establishments; and  
Whereas, the manufacturing sector is Maines fourth largest business sector; and

**WHEREAS**, there are over 3000 manufacturing jobs in Auburn; and

**WHEREAS**, manufacturers in Maine employ over 56,700 people, with an average annual wage of over \$67,000; and

**WHEREAS**, manufacturers help to drive the Maine economy, with \$1.93 billion in manufactured goods export; and

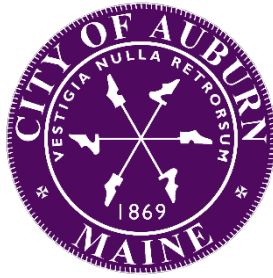
**WHEREAS**, manufacturing sectors in Auburn include sectors in advanced materials and composites, aerospace and defense, biotech and medical devices, blue and forest bioeconomy, and food and beverage.

**NOW, THEREFORE**, I, Jeffrey D. Harmon, Mayor of the City of Auburn, do hereby proclaim the month of October 2024 as Manufacturing Month in the City of Auburn.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 7<sup>th</sup> day of October, 2024.

Mayor Jeffrey D. Harmon





## PROCLAMATION | **DOMESTIC VIOLENCE AWARENESS MONTH**

**WHEREAS**, we have citizens and neighbors who have survived domestic violence, who are still experiencing abuse, and who have lost their lives to this critical community issue, the City of Auburn recognizes October as **Domestic Violence Awareness Month**.

**WHEREAS**, in the last year, Safe Voices has served over 2,300 individual survivors of abuse, trafficking, and exploitation, including over 1,000 in Androscoggin County and over 250 in Auburn; and

**WHEREAS**, the effects of domestic violence are far-reaching, directly affecting individual survivors as well as our community at large; and

**WHEREAS**, domestic violence at home is an indicator of risk to the broader community, often escalating to include violence outside the home; and

**WHEREAS**, roughly half of all homicides annually in the state of Maine are attributed to domestic violence; and

**WHEREAS**, we recognize that domestic violence must be addressed by a community as a whole, as a community safety issue, and with survivor-centered responses; and

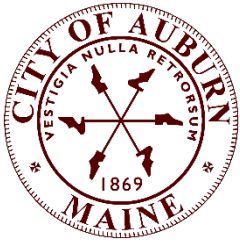
**WHEREAS**, we remind domestic violence survivors that they are not alone, and urge them to seek aid from the local Safe Voices helpline (800-559-2927) or the statewide helpline (866-834-HELP).

**AND WHEREAS**, we urge all local citizens to embrace this month of action by participating in activities and programs sponsored by Safe Voices and other community organizations working toward the elimination of intimate partner violence.

**NOW THEREFORE**, I Jeffrey Harmon, Mayor of the City of Auburn, by virtue of the authority vested in me, do hereby proclaim October 2024 as Domestic Violence Awareness Month in the City of Auburn.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 7<sup>th</sup> day of October, 2024.

Mayor Jeffrey D. Harmon



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**ORDINANCE 18-09162024**

**Author:** John Blais – Deputy Director of Planning, Permitting and Code

**Subject:** Ordinance - Gracelawn Area Zoning Map Amendment

---

**Information:** Consider a zoning map amendment to convert certain parts of City Assessor’s Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district. City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

This proposed zoning map amendment to change approximately 45 acres in City Assessor’s parcel I.D.’s 289-001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor’s parcel I.D. 289-001 in the General Business zoning district. The Multifamily Suburban zoning district has the same residential density standards as within the General Business District but does not allow several of the uses permitted within the General Business district, like automobile, repair service, and filling stations.

Amending the zoning toward the back of the Gracelawn Pit area closer to the lake allows for the creative reuse of land while limiting some of the heavier uses allowed in the General Business District. Approximately 15 acres in the southeasterly portion of the parcel on Gracelawn Road is proposed to remain in General Business to complement the General Business Zoning on the opposite side of Gracelawn Road and to allow for expanded development opportunity further from Lake Auburn. The proposed General Business portion of the Gracelawn parcel excludes 100 feet abutting the landfill on City Assessor’s Parcel I.D. 289-003.

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Second reading/public hearing in support of the map amendment. This proposed zoning map amendment to change approximately 45 acres in City Assessor’s parcel I.D.’s 289- 001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor’s parcel I.D. 289-001 in the General Business zoning district

**Previous Meetings and History:** PB unanimous approval in the August Planning Board Meeting; Passed 5-1 (Gerry opposed, Cowan absent) at September 16, 2024 meeting.

---

**City Manager Comments:**

Signature: 

---

**Attachments:** Official Map Amendment, Minutes

**PUBLIC HEARING/ MAP AMENDMENT:** Consider a zoning map amendment to convert certain parts of City Assessor’s Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

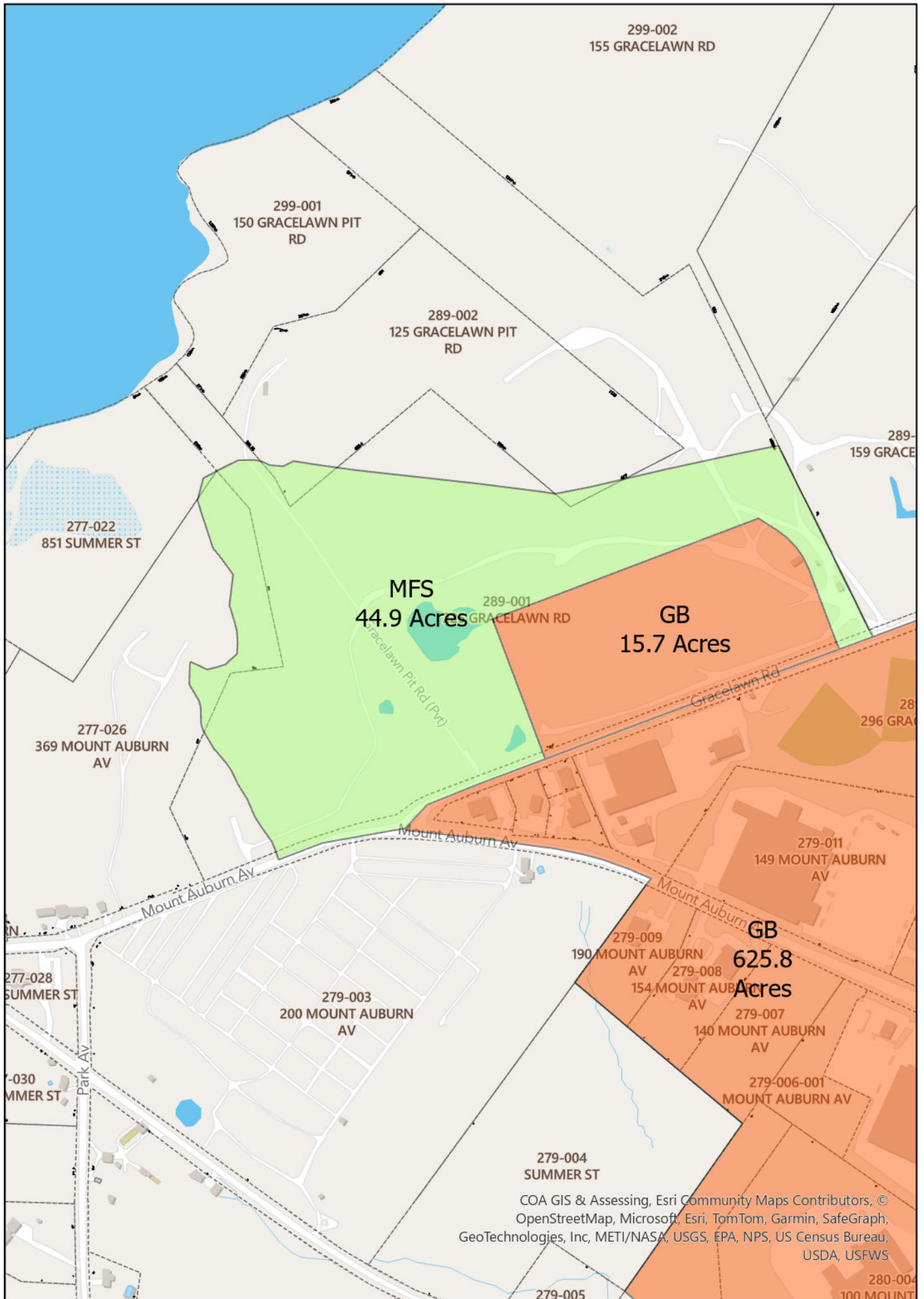
**Tim Deroche makes a motion** to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor’s Parcel ID’s 289- 001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor’s parcel I.D. 289-001 in the General Business zoning district *from map dated August 7, 2024. (italicized wording added as an amendment to the original motion).*

**Second:** Darren Finnegan

**Vote on motion:** 7-0

**Motion Carries**

# City of Auburn Proposed Zoning Amendment August 2024



## Legend

### Auburn Zoning-Proposed

- GB - General Business
- MFS - Multi-Family Suburban



0 125 250 500 750 1,000  
 Feet



August 7, 2024

## LEGAL NOTICE

City of Auburn

Notice is hereby given that the Auburn City Council will hold a Public Hearing on **Monday, October 07, 2024, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to consider the following topic(s):

**PUBLIC HEARING/ MAP AMENDMENT – ORDINANCE 18-09162024:** Consider a zoning map amendment to convert certain parts of City Assessor’s Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Additional information and copies of the official map and text amendments listed above are available in the Auburn Planning & Permitting Department, by contacting Megan Norwood at (207) 333-6601 ext. 1155 or [mmclaughlin@auburnmaine.gov](mailto:mmclaughlin@auburnmaine.gov).



**Ordinance 18-09162024**

# City Council Ordinance

**IN CITY COUNCIL**

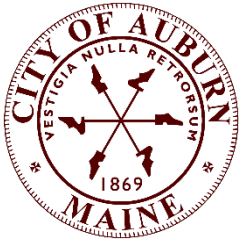
**Be it ordained,** that the City Council hereby approves of a Zoning Map amendment converting Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district, as shown on the attached.

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Order:** 142-10032024

**Author:** Emily F. Carrington, City Clerk

**Subject:** Appointment of two City Councilors to serve on the City's Comprehensive Plan Committee

---

**Information:** ORDER 106-08192024, which created the Comprehensive Plan Committee, specified of its membership: "Up to two city councilors, appointed by the City Council (voting members)"

Tonight the City Council will select up to two members to serve as voting members on the City's Comprehensive Plan Committee.

---

**City Budgetary Impacts:** N/A

---

**Staff Recommended Action:** Recommend passage.

---

**Previous Meetings and History:**

---

**City Manager Comments:**

I concur with the recommendation. Signature:

**Attachments:** Order

---



# City Council Order

## IN CITY COUNCIL

ORDERED, that the following City Councilors be appointed to serve on the City of Auburn's Comprehensive Plan Committee as voting members:

1) \_\_\_\_\_

2) \_\_\_\_\_

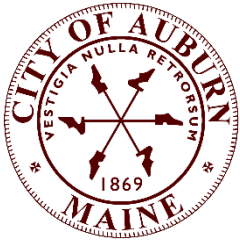
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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Order 143-10032024**

**Author:** Rita Beaudry, Grant Manager

**Subject:** 2024 Byrne Jag Grant – Auburn Police Department

---

**Information:**

The Auburn Police Department has been awarded a FY2024 Edward Byrne Justice Assistance Grant in the amount of \$17,209. The formula grant application will provide for the purchase of:

- 60 Patrol Flashlights
- Genasys CONNECT Software (One Year subscription for each employee)
- 20 LED Road Flare Kits and
- Confidential Funds

The grant requires Certifications and Assurances by the Chief Executive of the Applicant Government.

---

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Execute an order that provides for Mayor Jeffrey D. Harmon to sign and submit the Certifications and Assurances by the Chief Executive of the Applicant Government for this grant solicitation.

---

**Previous Meetings and History:** None

---

**City Manager Comments:**

I concur with the recommendation. Signature: \_\_\_\_\_

**Attachments:**

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Memorial Justice Assistance Grant Program FY 2024 Local Solicitation**

**Certifications and Assurances by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2024 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.
7. If the applicant named below is not the unit of local government itself, I certify that it is an instrumentality of the unit of local government and is approved to serve as the applicant and recipient of FY 2024 JAG funding on behalf of the unit of local government.

\_\_\_\_\_  
Signature of Chief Executive of the Applicant Unit of  
Local Government

Jeffrey D. Harmon  
\_\_\_\_\_  
Printed Name of Chief Executive

City of Auburn  
\_\_\_\_\_  
Name of Applicant Unit of Local Government

October 7, 2024  
\_\_\_\_\_  
Date of Certification

Mayor  
\_\_\_\_\_  
Title of Chief Executive



**ORDER 143-10032024**

# City Council Order

## IN CITY COUNCIL

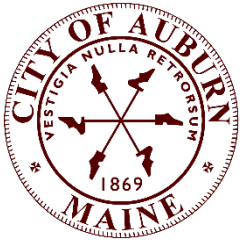
**Ordered,** that the City Council hereby authorizes Mayor Jeffrey D. Harmon, on behalf of the City of Auburn, to execute the Edward Byrne Justice Assistance Grant Program FY2024 Local Solicitation – Certifications and Assurances by the Chief Executive of the Applicant Government document to be submitted with the grant application.

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Ordinance:** 19-10032024

**Author:** Jamie Longley, General Assistance Manager

**Subject:** Amending Chapter 24, "Human Relations and Services", Article II, Sec. 24-23 of the City's General Assistance Program regarding annual adjustment of maximum benefits.

---

**Information:** Maine Municipal Association has updated their General Assistance Ordinance and updates have been made to Appendix A (overall maximums), Appendix B (food maximums), Appendix C (housing maximums) and Appendix H (funeral maximums) of the General Assistance Ordinance. There is also a new Recovery Residence Housing Maximums guide.

This amendment adopts these changes for the 2024/2025 year. The language in the ordinance has been amended to specify all of the adopted GA Maximums (Appendices A-H) and Recovery Residence maximums, and specifies the City's adoption of the MMA General Assistance Ordinance (dated September 2024). A copy of these records in their entirety are kept on file in the office of the city clerk for public information.

As an ordinance amendment, tonight will be first reading and second reading and public hearing will be scheduled for October 21, 2024.

---

**City Budgetary Impacts:** The overall maximums (Appendix A) are an average increase of 3.96% per person/household per month. The food maximums (Appendix B) are an average increase of 0.26% per individual per month. The housing maximums (Appendix C) are an average increase of 3.86% per unit per month. The funeral maximums are an average increase of 9.79% per case. Recovery houses have increased 4.02% per month. This is estimated to be an annual increase of \$37,500. *There are no changes in appendices D-G.*

---

**Staff Recommended Action:** Approval of changes to the General Assistance Ordinance, Appendices A-C, H, and Recovery Residences as required by State statute and ordinance. Recommend passage.

---

**Previous Meetings and History:** This is an annual approval needed by council for changes made to the appendices.

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**

Order

Appendix A, Overall Maximums

Appendix B, Food Maximums

Appendix C, Housing Maximums

Appendix H, Funeral Maximums

Recovery Residences

Ordinance & Adoption form for 24/25

# **GENERAL ASSISTANCE ORDINANCE**



**MAINE MUNICIPAL  
ASSOCIATION SINCE 1936**

Prepared by

**Maine Municipal Association**

**September 2024**

# Table of Contents

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

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



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

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

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

d) Income from Other Sources. ....	58
e) Earnings of a Son or Daughter. ....	59
f) Income from Household Members. ....	59
g) The Pooling or Non-Pooling of Income.....	59
h) Lump Sum Income. ....	59
Section 6.8—Basic Necessities; Maximum Levels of Assistance .....	61
Overall Maximum Levels of Assistance. ....	61
Maximum Levels of Assistance for Specific Basic Necessities.....	61
(A) Food.....	62
(B) Housing.....	63
Rental Payments to Relatives. ....	63
Rental Payments to Non-Relatives. ....	63
Mortgage Payments. ....	64
Liens.....	65
Property Taxes.....	66
Housing Maximums. ....	67
(C) Utilities.....	67
Electricity Maximums for Households Without Electric Hot Water. ....	68
Electricity Maximums for Households that Use Electrically Heated Hot Water.....	68
Non-Electric Utilities.....	68
(D) Fuel. ....	68
(E) Personal Care and Household Supplies. ....	69
(F) Other Basic Necessities.....	69
1) Clothing.....	69
2) Medical. ....	69
3) Hospital Bills. ....	70
4) Dental. ....	71
5) Eye Care. ....	71
6) Telephone Charge.....	71
7) Work-Related Expenses. ....	72
8) Travel Expenses. ....	72
9) Burials, Cremations.....	72
10) Capital Improvements. ....	72
Section 6.9—Burials; Cremations.....	73
Funeral Director Must Give Timely Notice.....	73

Application for Assistance Shall be Calculated on Behalf of the Deceased. ....	73
The Financial Responsibility of Certain Family Members. ....	74
Consideration of the Financial Responsibility of Family Members. ....	74
Proration of Familial Responsibility. ....	75
Eight Days to Determine Eligibility. ....	75
The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. ....	75
Burial Expenses. ....	76
Cremation Expenses. ....	76
Section 6.10—Notice of Decision .....	76
Written Decision. ....	76
Contents of Decision. ....	76
Disbursement of General Assistance. ....	77
<b>ARTICLE VII – The Fair Hearing.....</b>	<b>79</b>
Section 7.1—Right to a Fair Hearing .....	79
Section 7.2—Method of Obtaining a Fair Hearing .....	79
Written Request. ....	79
Scheduling the Fair Hearing. ....	79
Section 7.3—The Fair Hearing Authority.....	80
Section 7.4—Fair Hearing Procedure .....	81
Claimant’s Failure to Appear.....	82
Section 7.5—The Fair Hearing Decision .....	82
<b>ARTICLE VIII – Recovery of Expenses .....</b>	<b>85</b>
Recipients.....	85
Recipients Anticipating Workers’ Compensation Benefits. ....	85
Recipients of SSI. ....	85
Relatives.....	86
<b>ARTICLE IX – Severability.....</b>	<b>86</b>
<b>APPENDICES .....</b>	<b>87</b>
APPENDIX A – 2024-2025 GA Overall Maximums .....	89
APPENDIX B – 2024-2025 Food Maximums .....	91
APPENDIX C – 2024-2025 GA Housing Maximums.....	93
APPENDIX D – 2024-2025 Electric Utility Maximums.....	99
APPENDIX E – 2024-2025 Heating Fuel Maximums .....	101

APPENDIX F – 2024-2025 Personal Care & Household Supplies Maximums .....103  
APPENDIX G – Mileage Rate .....105  
APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums.....107  
APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23)).....109

**ARTICLE I – Statement of Policy**

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

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will it discriminate based on sex, age, race, nationality, religion, sexual orientation, or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the GA program are encouraged to contact the municipality to make an accommodation request.

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

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

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

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

The Administrator will post notice stating 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

- 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE III – Administrative Rules and Regulations**

**Section 3.1—Confidentiality of Information**

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

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

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

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

a material fact to the Administrator commits a Class E crime. (22 M.R.S. § § 4314, 4315).

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

### **Section 3.2—Maintenance of Records**

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

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

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant’s mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general assistance, 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;

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

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

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

**Section 4.5—Responsibilities of the Applicant at Time of Application**

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

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

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

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

- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
- c) has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant’s need for general assistance. (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:

## ARTICLE IV – Application Procedure

- 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

## ARTICLE IV – Application Procedure

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.



## ARTICLE IV – Application Procedure

**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

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

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

**d) Insurance.**

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

**e) Transfer of Property.**

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

**Section 5.4—Ownership of Real Estate**

**a) Principal Residence.**

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

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

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

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

**b) Other Property.**

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

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

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

**Section 5.5—Work Requirement**

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

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

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

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

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

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

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



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

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

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

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

## ARTICLE IV – Application Procedure

or otherwise satisfy the Administrator that they are complying with the work requirement by fulfilling the work requirement(s) the person violated.

For the purpose of regaining eligibility by becoming employed, “employment” shall mean employment by an employer as defined in 26 M.R.S. § 1043 or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Ordinance § 5.6, under “Eligibility Regained.”

**Dependents.** Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person’s household who is not capable of working, including:

- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and
- c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

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

**Exemptions.** The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant’s existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom

or on site participation in a training program which is either approved by the Department of Labor (DOL) or determined by the DOL to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the DOL.

**Section 5.6—Municipal Work Program**

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance. (22 M.R.S. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in Ordinance § 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

**Consent.** Persons assigned to the work program are required to sign a form stating that they understand the requirements of GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants to read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

**Subtracting Value of Workfare Performed from Client’s GA Debt.** Pursuant to 22 M.R.S. § 4318, individuals who received GA benefits are obligated to repay the municipality when and if they become able (see Ordinance Article VIII). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers’ Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

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

## ARTICLE IV – Application Procedure

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

## ARTICLE IV – Application Procedure

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

## ARTICLE IV – Application Procedure

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

That written decision must include:

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

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

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

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

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

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

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

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

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

#### **Section 5.7—Use of Resources**

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



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

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

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

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

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

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

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

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

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

#### **Section 5.8—Period of Ineligibility**

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

disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

**Work Requirement.** Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (*see Ordinance §§ 5.5, 5.6*). If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

**Fraud.** Persons who commit fraud are disqualified from receiving GA for a period of 120 days (*see Ordinance § 6.4, “Fraud”*). The Administrator shall give recipients written notice that they are ineligible as soon as the Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

### **Section 5.9 – Unemployment Fraud**

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S. § 1051(1) is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S. § 4317.

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

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

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

## ARTICLE VI – Determination of Eligibility

documentation required by the Administrator. When such information is unavailable, the Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate, current information and documentation concerning his/her:

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

**Initial Applicants.** Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (*see below*). However, such applicants must still provide the GA Administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e., quit job).

**Repeat Applicants.** All applicants for GA who are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services, and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, (e.g., provide a list of the employers contacted, the date and time of the application contact,

and the name of the employer representative contacted) as required by the Administrator.

Repeat applicants must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

**Unforeseen Repeat Applicants.** Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

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

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

- DHHS, any other department or agency of the state, or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant

- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

**Redetermination of Eligibility.** The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

**Penalty for Refusing to Release Information.** Any person governed by 22 M.R.S. § 4314 who refuses to provide necessary information to the Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the Administrator is guilty of a Class E crime. (22 M.R.S. § § 4314(5), 4314(6), 4315).

#### **Section 6.4—Fraud**

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

False representation means any individual who knowingly and willfully:

## ARTICLE VI – Determination of Eligibility

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

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

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

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

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

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



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

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

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

### **Section 6.5—Period of Eligibility**

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

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

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

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

**Section 6.6—Determination of Need**

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

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

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

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

## ARTICLE VI – Determination of Eligibility

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

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

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

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

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

- Credit card debt

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

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

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

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

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

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

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

**Section 6.7—Income**

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

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

## ARTICLE VI – Determination of Eligibility

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

## ARTICLE VI – Determination of Eligibility

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

## ARTICLE VI – Determination of Eligibility

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

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

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

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

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



## ARTICLE VI – Determination of Eligibility

payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or subsequent to the date of application for GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 4301(7), (8-A)):

- 1) identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the GA program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S. § 4301(7), (8-A));
- 4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for GA; and
- 5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the Administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

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

**Section 6.8—Basic Necessities; Maximum Levels of Assistance**

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

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

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

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

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

## ARTICLE VI – Determination of Eligibility

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

- (A) **Food.** The Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

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

The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The Administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

## ARTICLE VI – Determination of Eligibility

- (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

## ARTICLE VI – Determination of Eligibility

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.

## ARTICLE VI – Determination of Eligibility

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

## ARTICLE VI – Determination of Eligibility

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

## ARTICLE VI – Determination of Eligibility

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



## ARTICLE VI – Determination of Eligibility

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

## ARTICLE VI – Determination of Eligibility

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

## ARTICLE VI – Determination of Eligibility

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.

## ARTICLE VI – Determination of Eligibility

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

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

- 7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum. See Ordinance Appendix G for the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
- 8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Ordinance Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.
- 9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below (*see Ordinance § 6.9*), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Ordinance Appendix H for the current maximums.
- 10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The Administrator may grant GA for capital improvements when:
  - 1) the failure to do so would place the applicant(s) in emergency circumstances;
  - 2) there are no other resources available to effect the capital repair; and

- 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S. § 4320 when GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) “Liens”, above.

### **Section 6.9—Burials; Cremations**

**Funeral Director Must Give Timely Notice.** In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the Administrator prior to the burial or cremation or by the end of three business days following the funeral director’ receipt of the body, whichever is earlier. (22 M.R.S. § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director’s responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the Administrator. In addition, the funeral director may refer legally liable relatives to the Administrator so that a timely determination of financial capacity may be accomplished.

**Application for Assistance Shall be Calculated on Behalf of the Deceased.** For the purposes of determining residency, calculating eligibility and issuing GA for burial or cremation purposes, an application for assistance shall be completed by the Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Ordinance § 4.10.

## ARTICLE VI – Determination of Eligibility

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for GA in as much as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

**The Financial Responsibility of Certain Family Members.** Grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the Administrator, all legally liable relatives must provide the Administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

**Consideration of the Financial Responsibility of Family Members.** Generally, when the Administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

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

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

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

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



## 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.

## **APPENDICES**

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

## 2024-2025 GA Overall Maximums

### Metropolitan Areas

#### Persons in Household

COUNTY	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	969	1,068	1,367	1,744	2,333
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,139	1,280	1,689	2,131	2,476
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	881	965	1,232	1,608	1,947
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	874	884	1,169	1,464	1,603
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,451	1,663	2,141	2,715	3,332
<b>Sagadahoc HMFA:</b> 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*
<b>York County HMFA:</b> Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,192	1,261	1,567	2,039	2,297
<b>York/Kittery/S.Berwick HMFA:</b> 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*
<b>Aroostook County</b>	766	842	1,043	1,421	1,524
<b>Franklin County</b>	807	893	1,174	1,558	1,764
<b>Hancock County</b>	1,096	1,102	1,307	1,734	1,740
<b>Kennebec County</b>	943	946	1,214	1,529	1,784
<b>Knox County</b>	935	946	1,163	1,550	1,657
<b>Lincoln County</b>	1,037	1,076	1,332	1,733	2,154
<b>Oxford County</b>	902	910	1,185	1,575	1,869
<b>Piscataquis County</b>	777	860	1,131	1,398	1,689
<b>Somerset County</b>	897	931	1,140	1,487	1,612
<b>Waldo County</b>	1,075	1,085	1,305	1,620	2,219
<b>Washington County</b>	838	846	1,101	1,508	1,598

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

## Appendix B

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

# 2024-2025 Food Maximums

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

<b>Number in Household</b>	<b>Weekly Maximum</b>	<b>Monthly Maximum</b>
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.**

## 2024-2025 GA Housing Maximums (Heated & Unheated Rents)

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

### Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
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**

<b><u>Knox County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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
<b><u>Lincoln County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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
<b><u>Oxford County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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
<b><u>Piscataquis County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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
<b><u>Somerset County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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**

<b><u>Waldo County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
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

<b><u>Washington County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
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**

<b><u>Bangor HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
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

<b><u>Cumberland Cty. HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
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

<b><u>Lewiston/Auburn MSA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
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**

<b><u>Penobscot Cty. HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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
<b><u>Portland HMFA</u></b>				
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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
<b><u>Sagadahoc Cty. HMFA</u></b>				
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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
<b><u>York Cty. HMFA</u></b>				
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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
<b><u>York/Kittery/S. Berwick HMFA</u></b>				
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
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

## 2024-2025 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2024 to September 30, 2025.**

### APPENDIX A - OVERALL MAXIMUMS

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

### APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
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 - HOUSING MAXIMUMS

<b>Number of Bedrooms</b>	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

**(The applicable figures from Appendix C, *once adopted*, should be inserted here.)**

*FOR MUNICIPAL USE ONLY*

## APPENDIX D - UTILITIES

### ELECTRIC

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

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

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

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

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

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

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

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

## APPENDIX E - HEATING FUEL

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

*FOR MUNICIPAL USE ONLY*

**NOTE:** When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

**APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES**

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

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

**SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

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

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

## **2024-2025 Mileage Rate**

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

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

## **Funeral Maximums**

### **Burial Maximums**

The maximum amount of general assistance granted for the purpose of burial is **\$1,620**. The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

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

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

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

### **Cremation Maximums**

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

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

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- 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.

# 2024-2025 GA Housing Maximums

## Recovery Residences

The following Recovery Residence maximums are in effect from 10/1/2024- 9/30/2025

### Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$143.25	\$616.50

<u>Franklin County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$152.25	\$654.75

<u>Hancock County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$189.00	\$812.25

<u>Kennebec County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$162.00	\$695.25

<u>Knox County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$162.00	\$695.25

<u>Lincoln County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$184.50	\$792.75

<u>Oxford County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$155.25	\$668.25

<u>Piscataquis County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$146.25	\$630.00

<u>Somerset County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$159.00	\$684.00

<u>Waldo County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$186.00	\$799.50

<u>Washington County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$144.00	\$620.25

### Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$183.00	\$786.75

<u>Cumberland Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$219.75	\$945.75

<u>Lewiston/Auburn MSA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$165.00	\$709.50

<u>Penobscot Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$150.75	\$648.75

<u>Portland HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$286.50	\$1,233.00

<u>Sagadahoc Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$198.75	\$855.00

<u>York Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$216.75	\$931.50

<u>York/Kittery/S Berwick HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$248.25	\$1,068.75



Oct 1, 2024 to Sept 30, 2025

<p align="center"><b><u>OVERALL MAXIMUMS (A)</u></b></p> <p align="center">Persons in Household</p> <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr> <tr> <td>\$881</td><td>\$965</td><td>\$1,232</td><td>\$1,608</td><td>\$1,947</td></tr> </table> <p align="center">Household of 6 = \$2,022 * Add \$75 for each additional person</p>	1	2	3	4	5	\$881	\$965	\$1,232	\$1,608	\$1,947	<p align="center"><b><u>HOUSING MAXIMUMS (C)</u></b></p> <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td></td><th colspan="2">UNHEATED</th><th colspan="2">Heated</th></tr> <tr> <th>BEDROOM</th><th>Weekly</th><th>Monthly</th><th>Weekly</th><th>Monthly</th></tr> <tr> <td>0</td><td>\$174</td><td>\$749</td><td>\$201</td><td>\$864</td></tr> <tr> <td>1</td><td>\$185</td><td>\$795</td><td>\$220</td><td>\$946</td></tr> <tr> <td>2</td><td>\$235</td><td>\$1,012</td><td>\$281</td><td>\$1,209</td></tr> <tr> <td>3</td><td>\$312</td><td>\$1,341</td><td>\$368</td><td>\$1,581</td></tr> <tr> <td>4</td><td>\$377</td><td>\$1,622</td><td>\$445</td><td>\$1,915</td></tr> <tr> <td colspan="3">Recovery Residence</td><td>\$165</td><td>\$709.50</td></tr> </table>		UNHEATED		Heated		BEDROOM	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	Recovery Residence			\$165	\$709.50	<p align="center"><b><u>ELECTRIC (D)</u></b></p> <p>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.</p> <p>1) Electricity Maximums for Households <u>Without</u> Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:</p> <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <th>Number in Household</th><th>Weekly</th><th>Monthly</th></tr> <tr> <td>1</td><td>\$19.95</td><td>\$85.50</td></tr> <tr> <td>2</td><td>\$22.52</td><td>\$96.50</td></tr> <tr> <td>3</td><td>\$24.97</td><td>\$107.00</td></tr> <tr> <td>4</td><td>\$27.53</td><td>\$118.00</td></tr> <tr> <td>5</td><td>\$29.88</td><td>\$128.50</td></tr> <tr> <td>6</td><td>\$32.55</td><td>\$139.50</td></tr> </table> <p>NOTE: For each additional person add \$10.50 per month.</p>	Number in Household	Weekly	Monthly	1	\$19.95	\$85.50	2	\$22.52	\$96.50	3	\$24.97	\$107.00	4	\$27.53	\$118.00	5	\$29.88	\$128.50	6	\$32.55	\$139.50
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	<p align="center"><b><u>FUNERAL MAXIMUMS (H)</u></b></p> <p align="center">Burial: \$1,620+; Cremation: \$1,125+</p>	<p align="center"><b>1-800-442-6003</b></p> <p align="center"><b>(Revised 09/09/24)</b></p>																																																																							

## **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).]



# City of Auburn, Maine

General Assistance Office

Jamie Longley, Manager

60 Court Street | Auburn, Maine 04210 [www.auburnmaine.gov](http://www.auburnmaine.gov) |

207.333.6601 Extension 1411

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

Signed this \_\_\_\_ **day of** \_\_\_\_\_ **2024**, by the municipal officers:

Richard S. Whiting, Ward 1

\_\_\_\_\_  
(Signature)

Timothy M. Cowan, Ward 2

\_\_\_\_\_  
(Signature)

Stephen G. Milks, Ward 3

\_\_\_\_\_  
(Signature)

Benjamin J. Weisner, Ward 4

\_\_\_\_\_  
(Signature)

Leroy G. Walker, Sr., Ward 5

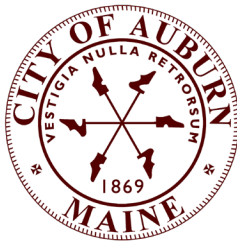
\_\_\_\_\_  
(Signature)

Belinda A. Gerry, At-Large

\_\_\_\_\_  
(Signature)

Adam R. Platz, At-Large

\_\_\_\_\_  
(Signature)



# City Council Ordinance

## IN CITY COUNCIL

**Be it ordained**, that the City Council hereby amends Sec. 24-23 of the City's Code of Ordinances as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

(a) The City of Auburn adopts the Maine Municipal Association's General Assistance Ordinance, dated September 2024, and a copy thereof is available in the office of the city clerk.

(b) Each year the Maine Municipal Association provides the city ~~three appendices~~ Appendices A-H providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:

(1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.

(2) Appendix B, a listing of maximum levels of assistance for food.

(3) Appendix C, a listing of maximum levels for heated and unheated housing.

(4) Appendix D, a listing of maximum levels of assistance for electricity.

(5) Appendix E, a listing of maximum levels of assistance for heating fuel.

(6) Appendix F, a listing of maximum levels of assistance for personal care & household supplies.

(7) Appendix G, adopting the State of Maine travel expense reimbursement rate.

(8) Appendix H, a listing of maximum levels of assistance for funeral expenses.

(9) Recovery Residence Maximums for the Lewiston/Auburn MSA.



## City Council Ordinance

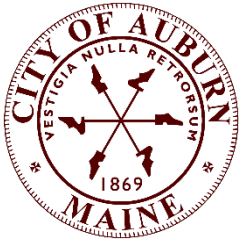
(cb) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the office of the city clerk.

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** October 7, 2024

**Order: 144-10032024**

**Author:** Emily F. Carrington, City Clerk

**Subject:** Casting a vote for Councilor Leroy Walker to represent County Commission District 6 on the Androscoggin County Budget Committee.

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**Information:** Larry Pelletier and Councilor Walker were elected to this position in 2022. This ORDER allows Councilor Leroy Walker to continue in this capacity for County Commission District 6 for 2024/2025. The next Budget Committee meeting is scheduled for October 9, 2024.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** N/A

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**Previous Meetings and History:**

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**City Manager Comments:**

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**Attachments:** None



**ORDER 144-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the City Council hereby casts a vote for Leroy Walker to serve on the Androscoggin County Budget Committee, representing County Commission District 6 for budget years 2024/2025.

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
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