



Town of Hermon
Public Safety Meeting Room
October 10, 2024
Town Council Meeting
6:30 PM
AGENDA

To watch Council Meetings go to hermonmaine.gov click Council click Town Council Meetings click Zoom
Please see the complete video at [Town Council Meetings | Hermon \(hermonmaine.gov\)](http://Town Council Meetings | Hermon (hermonmaine.gov))

*****ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION*****

I. CALL TO ORDER BY CHAIRPERSON:

II. PLEDGE OF ALLEGIANCE:

III. ROLL CALL:

IV. PUBLIC ITEMS OR COMMENTS: (ITEMS NOT ALREADY ON THE AGENDA)

V. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, AND APPROVAL OF MINUTES:

MINUTES	-APPROVE	9/12/2024 & 9/19/2024
SIGNATURES	-APPROVE	
RESOLVES	-SIGN	
WARRANTS	-SIGN	9/27/2024 & 10/11/2024

VI. NEWS, PRESENTATIONS AND RECOGNITIONS:

VII. PUBLIC HEARINGS:

- **Hold** Public Hearing – Complete GA Ordinance with Appendices A – H for FY 2024-2025
- **Hold** Public Hearing – Amend the permit fee schedule for code
- **Hold** Public Hearing – Streamside extension as a public way – Postponed to 11/7/2024
- **Hold** Public Hearing – Live band at Speedway 95
- **Hold** Public Hearing – Conley Events LLC (Morgan Hill Event Center) liquor license renewal



VIII. COMMITTEE REPORTS:

IX. SCHEDULED AGENDA ITEMS:

A. OLD BUSINESS:

B. NEW BUSINESS:

O24-25-04 Consider accepting the GA Ordinance dated 9/2024 from MMA and the amended GA Ordinance repealing and replacing appendices A through H for FY 2024-2025

O24-25-05 Consider approving the General Building and Permit Fees for Code

R24-25-05 Consider approving **Roger Smith** for Special Amusement /Concourse Gathering Application for a live band at Speedway 95

R24-25-06 Consider approving Conley Events LLC liquor license renewal

FR24-25-05 Consider authorizing the purchase and install of a new flagpole on the Public Safety Building

R24-25-07 Approve the mill rate, due date, and interest rate for 2024 taxes

FR24-25-06 Consider awarding EMDC Land Use Consulting Update Project

C. WORKSHOPS:

- **Maine Paid Family Medical Leave Act – Stephen Fields**

D. OTHER ITEMS: (FROM TABLE PACKAGE)

X. APPOINTMENTS:

Appoint personnel to various positions as required by Charter and State Statute.

XI. MANAGER STATUS REPORT:

XII. FINAL PUBLIC ITEMS OR COMMENT: (ITEMS NOT ALREADY ON THE AGENDA)



XIII. COUNCIL ITEMS:

XIV. EXECUTIVE SESSION:

- Consider entering Executive Session to discuss acquisition of real property or economic development per 1 M.S.R.A. § 405(6)(C)
- Consider entering Executive Session to discuss labor negotiations per 1 M.S.R.A. § 405(6)(D)

XV. ADJOURNMENT:

Please see the complete video at [Town Council Meetings | Hermon \(hermonmaine.gov\)](https://www.hermonmaine.gov)

Explanatory note #1: All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

Explanatory Note #2: In the interest of effect decision-making: At 10:00 p.m., the Chairman shall poll the Council and Town Manager to identify remaining items which shall be carried forward to the next Regular Meeting.

Explanatory Note #3: A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.



Town of Hermon
Public Safety Meeting Room
September 12, 2024
Town Council Meeting
6:30 PM
MINUTES

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*****ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION*****

I. CALL TO ORDER BY CHAIRPERSON:

II. PLEDGE OF ALLEGIANCE:

Chair Snyder led those in attendance in the Pledge of Allegiance

III. ROLL CALL:

Members Present: Joshua Berry, Richard Cyr, Christopher Gray, Terry Hamm-Morris, Ronald Murphy, John Snyder III and Derek Wood

Members Absent: None

Others Present: Town Manager Stephen Fields, Town Clerk Kristen Cushman, Assistant Town Manager Scott Perkins, Code Officer Jessefa Murphy and 1 residents/guests

IV. PUBLIC ITEMS OR COMMENTS: (ITEMS NOT ALREADY ON THE AGENDA)

- **No public comments**



V. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, AND APPROVAL OF MINUTES:

MINUTES	-APPROVE	8/15/2024
SIGNATURES	-APPROVE	
RESOLVES	-SIGN	
WARRANTS	-SIGN	8/30/2024, 9/13/2024

Councilor Snyder moved to approve the Consent Calendar as presented. Councilor Cyr seconded the motion. Motion passes 7-0.

VI. NEWS, PRESENTATIONS AND RECOGNITIONS:

Casella Q & A – James Dunning, Market Area Manager for Casella

VII. PUBLIC HEARINGS:

- **Hold Public Hearing - Zone change res B to res A – Clark Rd**

Chair Snyder opened the public hearing at 6:42PM. No public comments were given. The hearing closed at 6:44PM.

- **Hold Public Hearing - Solar Ordinance**

Chair Snyder opened the public hearing at 6:44PM. No public comments were given. The hearing closed at 6:47PM.

- **Hold Public Hearing – Hermon Recreation special amusement permit**

Chair Snyder opened the public hearing at 6:47PM. No public comments were given. The hearing closed at 6:48PM.

VIII. COMMITTEE REPORTS:

IX. SCHEDULED AGENDA ITEMS:

A. OLD BUSINESS:

B. NEW BUSINESS:

R24-25-02 Consider approving zone change res B to res A – Clark Rd

Councilor Snyder moved to approve R24-25-02. Councilor Wood seconded the motion. The motion was accepted. Motion passes 7-0.



O24-25-03 Consider approving Solar Ordinance

Councilor Murphy moved to approve O24-25-03. Councilor Wood seconded the motion. The motion was accepted. Motion passes 7-0.

R24-25-03 Consider approving Hermon Recreation Special Amusement Permit for Truck or Treat

Councilor Murphy moved to approve R24-25-03. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 7-0.

FR24-25-03 Consider authorizing the sale of public works trucks

Councilor Murphy moved to approve FR24-25-03. Councilor Wood seconded the motion. The motion was accepted. Motion passes 7-0.

R24-25-04 Consider authorizing to seek consulting services for Land Use Ordinance updates

Councilor Murphy moved to approve R24-25-04. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 7-0.

FR24-25-04 Consider authorizing HTO subsurface wastewater system replacement

Councilor Murphy moved to approve FR24-25-04. Councilor Wood seconded the motion. The motion was accepted. Motion passes 7-0.

C. WORKSHOPS:

- Discussion on Code Fee Schedule – Jessefa Murphy
- Discussion on hiring a company to review and compare the land use ordinance and comprehensive plan to review it is compatible with comprehensive plan – Jessefa Murphy

D. OTHER ITEMS: (FROM TABLE PACKAGE)

X. APPOINTMENTS:

XI. MANAGER STATUS REPORT:



- Thank you for understanding while I had my medical procedure and recovery process. Scott and the staff have been accommodating and stepping up to ensure the Town daily operations moved forward.
- As a veteran and former first responder, I would like to take this time to thank all the local first responders, veterans for their service, and those families affected by the events on September 11, 2001. Every generation has overcome adversity and opportunities, take time to reflect and learn from these events.
- Absentee ballots for the November Presidential/General Election will be available on/about October 7th. Requests are being taken now with the Clerk staff. Election is on Tuesday, November 5, 2024.
- Thank you to Casella for taking the time to continue supporting the Town with questions/answers as we prepare for the upcoming transition. Once again, information is being mailed and available on the Town website and town official social media.
- Saturday, Sept 21st, 10a-2p, 75th Anniversary for Hermon Fire Department. Come on over to the Open House for fun and food.

XII. FINAL PUBLIC ITEMS OR COMMENT: (ITEMS NOT ALREADY ON THE AGENDA)

- **No public comments**

XIII. COUNCIL ITEMS:

Joshua Berry: A tip of his cap to the first responders in Hermon. Since working at Hermon I have a greater appreciation of what they do. Great job Jessefa getting the solar ordinance to the finish line and appreciate all the supporting documents in the packet. It was very helpful.

Richard Cyr: Thanked Chief Sullivan for exhibit outside the fire station for 9/11. new track.

Ronald Murphy: Thank you to the fire department. As we heard last week, the fire department was upgraded to the paramedic level of care. There is a tremendous amount of paperwork and prep for this to happen along with an onsite inspection. Thank you for all you do.

Christopher Gray: The paramedic level to obtain is awesome. As a town we can build of this for possible ambulance services. It's great what they are doing and the tribute to 9/11 was great. It is important to teach the next generation the events of that day and what it meant to our country.



XIV. EXECUTIVE SESSION:

Councilor Murphy moved to enter Executive Session to discuss a legal matter involving council procedures pursuant to 1 M.S.R.A. 405 (6)(D). Councilor Gray seconded the motion. The motion was accepted. Motion passes 7-0.

The motion carries. Executive Session started at 7:17 p.m.

Executive Session ended at 7:28 p.m.

Consider entering Executive Session to discuss acquisition of real property or economic development per 1 M.S.R.A. § 405(6)(C)

XV. ADJOURNMENT:

Councilor Murphy moved to adjourn the meeting at 7:29 PM. Councilor Berry seconded. With no objection the meeting was adjourned at 7:29 PM.

Respectfully Submitted,

**Kristen Cushman
Town Clerk**

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Town of Hermon

Public Safety Meeting Room

September 19, 2024

Special Town Council Meeting

6:30 PM

AGENDA

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*****ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION*****

I. CALL TO ORDER BY CHAIRPERSON:

II. PLEDGE OF ALLEGIANCE:

Chair Snyder led those in attendance in the Pledge of Allegiance

III. ROLL CALL:

Members Present: Richard Cyr, Terry Hamm-Morris, Ronald Murphy, John Snyder III and Derek Wood

Members Absent: Joshua Berry and Christopher Gray

Others Present: Town Manager Stephen Fields, Town Clerk Kristen Cushman and 1 residents/guest

IV. SCHEDULED AGENDA ITEMS:

A. NEW BUSINESS:

Consider signing the warrant titled: United Technologies Center, (Region 4 Southern Penobscot County Vocational Region), School Minor Capital Referendum Official Ballot for The Town of Hermon, November 5, 2024

Councilor Murphy moved to approve the United Technologies Center warrant for the November 5, 2024 election. Councilor Cyr seconded the motion. Motion was accepted. Motion passes 5-0.



V. ADJOURNMENT:

Councilor Murphy moved to adjourn the meeting at 8:01 PM. Councilor Wood seconded. With no objection the meeting was adjourned at 6:31 PM.

Respectfully Submitted,

Kristen Cushman
Town Clerk

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O24-25-04

**MUNICIPALITY OF HERMON
GENERAL ASSISTANCE ORDINANCE**

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of Hermon, after notice and hearing, hereby accept the General Assistance Ordinance dated September 2024 from Maine Municipal Association. This Ordinance shall supercede and replace all previous Ordinance versions. A copy of this Ordinance will be filed with the Maine Department of Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4) and shall be available for public inspection at the municipal office along with a copy of the 22 M.R.S. chapter 1161.

Signed this 10 day of October 2024, by the municipal officers:

John Snyder III

Ronald Murphy

Joshua Berry

Richard Cyr

Christopher Gray

Terry Hamm-Morris

Derek Wood

Attest Original: _____

Motion _____	Yeas _____	
Second _____	Nays _____	Date _____

Oct 1, 2024 to Sept 30, 2025

OVERALL MAXIMUMS (A)

Persons in Household				
1	2	3	4	5
\$969	\$1,068	\$1,367	\$1,744	\$2,333

Household of 6 = \$2,408

* Add \$75 for each additional person

FOOD MAXIMUMS (B)

Persons	Weekly	Monthly
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

Add \$220 per month for each + person

HEATING FUEL (E)

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

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

HOUSING MAXIMUMS (C)

BEDROOM	UNHEATED		HEATED	
	Weekly	Monthly	Weekly	Monthly
0	\$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

Recovery Residence \$183.00 \$786.75

PERSONAL CARE & HOUSEHOLD SUPPLIES (F)

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

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

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

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

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

MILEAGE RATE (G)
50 cents (50¢) per mile

FUNERAL MAXIMUMS (H)

Burial: \$1,620+; Cremation: \$1,125+

ELECTRIC (D)

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

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

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

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

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

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

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

1-800-442-6003

Revised 09/09/24

GENERAL ASSISTANCE ORDINANCE



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936** Prepared by
Maine Municipal Association
September 2024

Table of Contents

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

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

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

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

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

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

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

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

ARTICLE I – Statement of Policy

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

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

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

ARTICLE I – Statement of Policy

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

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

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

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

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

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

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

Section 2.2—Special Definitions

Administrator. See “General Assistance Administrator,” below.

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

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

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

“Basic necessities” do not include:

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

ARTICLE II – Definitions

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

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

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

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

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II – Definitions

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

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

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and childcare expenses; or
- Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S. § 4301(7)).

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

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

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

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

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

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

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

ARTICLE 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.

ARTICLE IV – Application Procedure

- 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

ARTICLE IV – Application Procedure

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

ARTICLE IV – Application Procedure

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

ARTICLE IV – Application Procedure

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,

ARTICLE VI – Determination of Eligibility

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

ARTICLE VI – Determination of Eligibility

- 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

ARTICLE VI – Determination of Eligibility

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

ARTICLE VI – Determination of Eligibility

- 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

ARTICLE VI – Determination of Eligibility

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 well as 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.

ARTICLE VI – Determination of Eligibility

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.

ARTICLE VI – Determination of Eligibility

- 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

ARTICLE VI – Determination of Eligibility

- 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.

ARTICLE VI – Determination of Eligibility

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

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

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

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

ARTICLE VI – Determination of Eligibility

other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the Administrator.

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

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

Section 6.10—Notice of Decision

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

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

The Administrator must explain the applicant's right to a fair hearing in the Administrator's written notice of decision.

Contents of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the items listed in Ordinance § 4.6, the notice of decision will include a statement that:

ARTICLE VI – Determination of Eligibility

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

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

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

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

Section 7.2—Method of Obtaining a Fair Hearing

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

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

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

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

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

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

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

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

Section 7.3—The Fair Hearing Authority

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

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

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

Section 7.4—Fair Hearing Procedure

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

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

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

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

“Just cause” for a claimant’s failure to appear at a fair hearing, may include:

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

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

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

Section 7.5—The Fair Hearing Decision

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

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

ARTICLE VII – The Fair Hearing

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

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

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

ARTICLE VIII – Recovery of Expenses

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

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

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

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

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

ARTICLE VIII – Recovery of Expenses

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

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

ARTICLE IX – Severability

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

APPENDICES

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 – 26 M.R.S. § 1043 (23).....	109

APPENDIX A – 2024-2025 GA Overall Maximums

Effective: 10/1/24 – 9/30/25

Metropolitan Areas

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

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

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

Non-Metropolitan Areas

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

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

APPENDIX B – 2024-2025 Food Maximums

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

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

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

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

APPENDIX C – 2024-2025 GA Housing Maximums

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

(Heated & Unheated Rents)

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

Non-Metropolitan FMR Areas

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

Non-Metropolitan FMR Areas

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

Non-Metropolitan FMR Areas

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

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

Metropolitan FMR Areas

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

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

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

Metropolitan FMR Areas

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

APPENDIX D – 2024-2025 Electric Utility Maximums

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

ELECTRIC

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

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

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

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

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

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

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

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

APPENDIX E – 2024-2025 Heating Fuel Maximums

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

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

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

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

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

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

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

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

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

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

APPENDIX G – Mileage Rate

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

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

APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums

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

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

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

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

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

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

Cremation Maximums

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

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

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

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

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

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

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

- A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:
- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
 - (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
 - (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
 - (4) Failure to exercise due care for punctuality or attendance after warnings;
 - (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
 - (6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;
 - (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
 - (8) Unauthorized sleeping while on duty;
 - (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
 - (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
 - (11) Destruction or theft of things valuable to the employer or another employee;

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

[PL2019, c. 125, §1 (AMD).]

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

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

[PL 2019, c. 125, §1 (AMD).]



O24-25-05

BY ORDER of the Hermon Town Council, the following Public Hearing has been scheduled for **October 10, 2024** at 7:00PM at the Public Safety Meeting Room.

TO CONSIDER comment regarding updated to the building permit fees:

Section 1: General Building and Permit Fees

Category	Proposed Fee
Minimum Building Permit Fee	\$20
Building (per square foot)	\$0.20
Accessory Building (per square foot)	\$0.10
Commercial Building (per square foot)	\$0.20
Commercial Fee (per thousand dollars)	\$1.50
Sign Permit	\$25
Demolition Permit	\$20

Section 2: Pool Permit Fees

Category	Proposed Fee
Pool Permit - Inground	\$20
Pool Permit - Above Ground	\$10

Section 3: Planning Board/Appeals Board Fees

Note: Plus cost for the cost of abutter notices and public notices.

Category	Proposed Fee
Site Plan Review	\$300
Sketch Plan Review	\$300
Subdivision Review	\$500
Subdivision (per lot)	\$150
Zone Change	\$500
Contract Zone	\$500
Appeals	\$150
Variance Request	\$150

Section 4: Wide Format Printing Fees (per page)

Category	Proposed Fee
Black Printing	\$5.00 (per page)
Color Printing	\$7.50 (per page)
Full-Color Printing	\$35.00 (per page)

The Public shall be given the right to comment before the Council takes action.

John Snyder III

Ronald Murphy

Joshua Berry

Richard Cyr

Christopher Gray

Terry Hamm-Morris

Derek Wood

Attest Original: _____

Motion _____	Yeas _____	
Second _____	Nays _____	Date _____



R24-25-05

Be it resolved by the Hermon Town Council in town council assembled to approve a Special Amusement/Concourse Gathering Permit Application for Roger Smith to have live band at Speedway 95 on October 12, 2024 from 9:00am to 12:00am.

SIGNED this October 10, 2024 by the Hermon Town Council:

John Snyder III

Ronald Murphy

Joshua Berry

Richard Cyr

Christopher Gray

Terry Hamm-Morris

Derek Wood

Attest Original: _____

Motion _____

Yeas _____

Second _____

Nays _____

Date _____



Date received: 9/18/24
Date approved: _____

SPECIAL AMUSEMENT/CONCOURSE GATHERING APPLICATION

Required for any gathering for the masses of people which attend public outdoor gatherings and to assure the comfort, convenience, safety, health and welfare of the citizens of the town and surrounding communities.

Concourse gathering of 500 people or more persons in an outdoor space or a temporary structure.

Applications must be submitted to the Clerk not less than 45 days before the date on which it is proposed to commence the event.

A \$50.00 filing fee is to be submitted with the completed Concourse Gathering Application.

A \$150.00 filing fee is to be submitted with the completed Special Amusement Event Application (outside: alcohol, dancing & live music). If approved, \$25.00 fee is due for Special Event Application.

SPONSOR INFORMATION

Name of Sponsoring Organization: N/A

Name of Contact Person for Event: Roger Smith

Title of Contact Person: N/A

Mailing Address: 520 Herland Rd, Cannon ME 04924

Daytime Telephone: 207-249-9267

Cell Phone: 207-249-9267

Email Address: Smith3227@gmail.com

Contact Name and Cell Phone Number DURING the Event: Roger Smith 207-249-9267

Is your organization incorporated as a non-profit organization? Yes ___ No

Non-Profit Number: _____

Mailing Address
333 Billings Rd
Hermon, ME 04401

Telephone: 207-848-1010
Fax: 207-848-3316

Physical Address
333 Billings Rd
Hermon, ME 04401

EVENT INFORMATION

Name of Event: NONE

Type of Event (walk, festival, concert, etc.): Concert - Live Band

Date of Event: Saturday 10 Oct 12, 2024 Rain Date: N/A

Times of Event: Start Time including set-up: 7 pm Ending time including clean up: 0100 am

Actual Event Start Time: 9 pm Actual Event End Time: 1200 am

Estimated Attendance: 50-75 people

Location of Event: Speedway 95 - Parking lot

Have you held an event at this location within the last 12 months? Yes No

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
N/A	CROSS-STREET BANNERS Note: Contact power company guidelines.		<input checked="" type="checkbox"/>	
N/A	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages:			<input checked="" type="checkbox"/>
N/A	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items:		<input checked="" type="checkbox"/>	
Separate fee and Special Amusement Application required	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: <u>Live Band</u> Note: per 28-A M.R.S.A. § 1054 and local ordinance.	<input checked="" type="checkbox"/>		
Separate fee and Special Amusement Application required	DANCING – Will there be any outdoor dancing? If yes, please describe: Note: per 28-A M.R.S.A. § 1054 and local ordinance			<input checked="" type="checkbox"/>
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	<input checked="" type="checkbox"/>		
Separate fee and Catering Event Application	ALCOHOL – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application (\$10.00 fee) 14 days prior to the event. Note: per 28-A M.R.S.A. § 1054 and local ordinance		<input checked="" type="checkbox"/>	
State Permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit.		<input checked="" type="checkbox"/>	
Permit required	FIREWORKS – Will there be a fireworks display? If yes, attach a copy of the state permit. Note: per M.R.S.A. § 227-A and local ordinance.		<input checked="" type="checkbox"/>	

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
N/A	PARADE – Will there be a parade? If yes, describe route: Note – Contact Penobscot County Sheriff's office		X	
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route: Note – Contact Penobscot County Sheriff's office		X	
Separate permit required	BURN PERMIT – Will there be any open flame such as a bonfire? If yes, describe activity: <i>Campfire</i> Note - A permit from the Fire Department is required or online at Maine.gov	X		
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes:		X	
N/A	ELECTRICAL POWER/EQUIPMENT – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? <i>Bond Equipment</i>	X		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list: Note – Contact Penobscot County Sheriff's office		X	
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? Note: This is a mandatory requirement for this application and must be included.	X		
N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? <i>- Parking lot</i> Note – Contact Penobscot County Sheriff's office.	X		
N/A	TOILETS – Please list amount at event and/or nearest location: <i>1 outhouse, campers</i>	X		
N/A	WASTE DISPOSAL – Please list process and location: <i>Campers</i>	X		
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: <i>Campers</i>	X		
N/A	POTABLE WATER – Please list amount at event and location: <i>Campers</i>	X		

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
N/A	FIRST AID FACILITIES – Please list location at event:		<input checked="" type="checkbox"/>	
\$ ____ .00	TOTAL FEE INCLUDED – Checks payable to “Town of Hermon”			

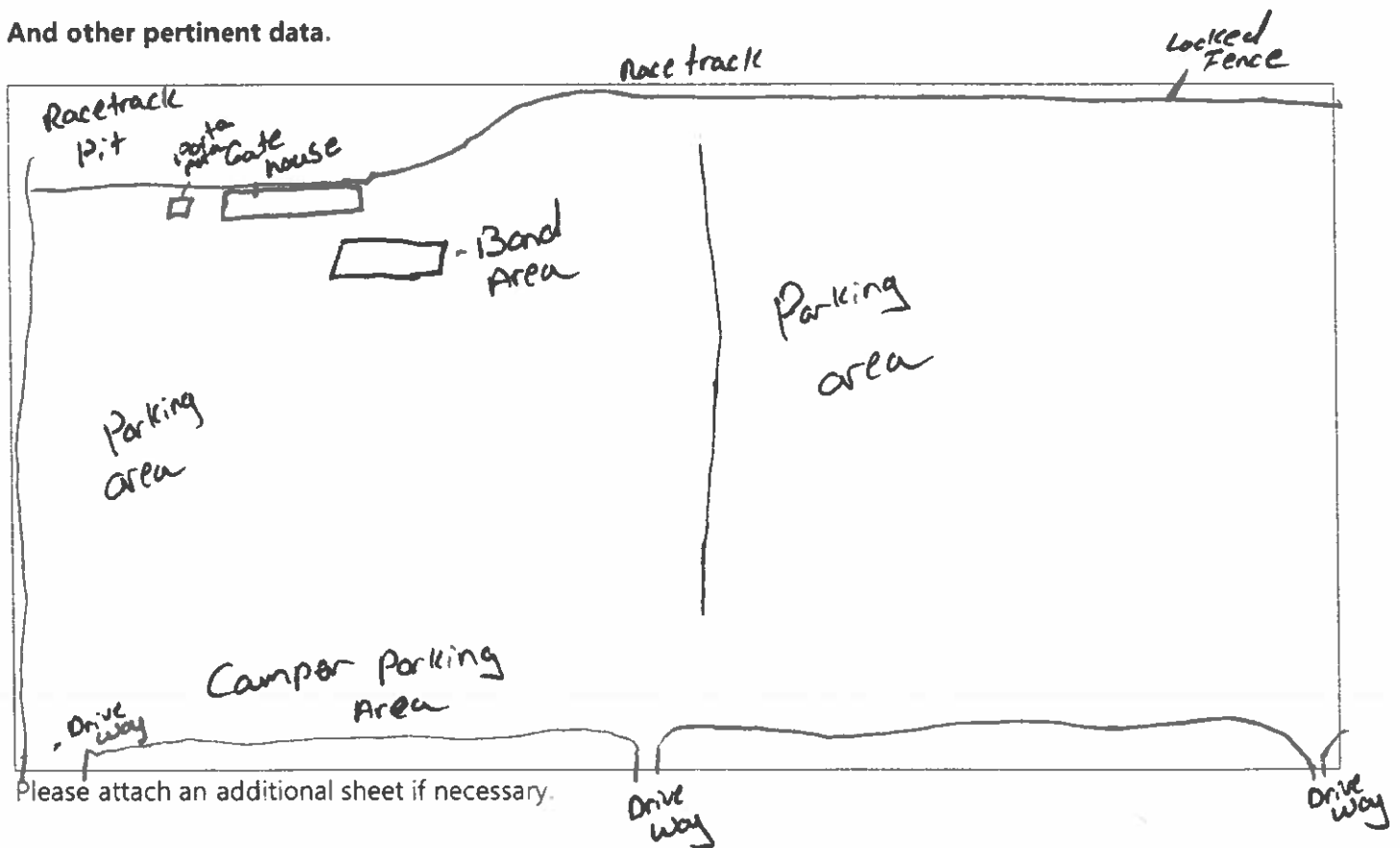
DESCRIPTION OF EVENT – Please describe what will occur during your event

After the races End, and Everyone from Speedway 95 leaves I would like to have a band play around a campfire to relax and listen to music with friends and others who are camping there

Provide a freehand Plan View Drawing of the site(s) showing the location and size of the site. Also include the location and extent of the following:

- Dining Facilities
- Fire Protection Facilities
- First Aid Facilities
- Off Street Parking Facilities
- Sanitary Facilities
- Water Supply Facilities

And other pertinent data.



Concourse Gathering Application: Attach with this application a corporate surety bond from a company authorized to do business in the State of Maine insuring that after the event is over and the mass of people have vacated the site or sites, the grounds shall be left in a clean and neat fashion, and damages to public and/or private property arising out of or in connection with the event will be paid promptly. Such bond shall be in the amount of five thousand (\$5,000.00) for each one thousand (1,000) persons or fractional part thereof, expected to be there.

The Municipal Officers may request any additional information which is deemed reasonably necessary for a fair determination to issue the concourse gathering permit herein applied for.

Additional information requested:

Council Chair Signature and Date: _____ **Date:** _____

Additional information attached, reviewed, and deemed:

___ Acceptable ___ Unacceptable

Council Chair Signature and Date: _____ **Date:** _____

The Municipal Officers deemed it appropriate to waive the following requirements of this permit application:

Council Chair Signature and Date: _____ **Date:** _____

If the event is to be held by, and on behalf of or for, any other person other than the applicant, the following authorization is required.

I have authorized _____ to apply for a concourse gathering permit on behalf of _____.

Authorizing signature: _____ Title (if applicable): _____ Date: _____

Signature of Applicant:



Printed Name:

Roger Smith

Date Submitted:

9-17-24

Please note that you will be contacted by Town Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: Town of Hermon
Town Clerk's Office
333 Billings Road
Hermon, ME 04401
FAX: 207-848-3316
EMAIL: cushmank@hermonmaine.gov
PHONE: 207-848-1010

Town of Hermon
----- R e c e i p t -----
09/37/24 11:44 AM ID:AKI #2480
TYPE----- REF--- AMOUNT
CLERK FEES 175.00
concourse gathering permit for 1

Paid By: roger smith
Remaining Balance: 0.00
Visit hermonmaine.gov
Check: 175.00
611 - 175.00

The Municipal Officers of the Town of Hermon at a Public Meeting Convened approved the Concourse Gathering Permit herein attached.

SIGNED this 10 day of October, 2024 by the Town Council:

****FOR STAFF USE****

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Clerk	X		9/18/24	KC
Code Officer/Land Use & Zoning /Health Officer	A		9/18/24	JM
Finance Department	✓		9/18/24	MV
Fire Department	X		9/18/24	JG
Police Department	✓		9/19/24	D
Public Works Department	X		9/18/24	GD
Plumbing Inspector	A		9/18/24	JGM
Recreation Department	X		9/18/24	UO

Personal Property Tax Paid: Yes _____ No _____ Sewer User Fees Paid: Yes _____ No _____

COMMENTS/CONDITIONS from any of the above departments:

FD: Permit required for campfire greater than 3'x3'x3'

Town Council Public Hearing date, if applicable: October 10, 2024

License Approved/Denied: _____ Date applicant notified: _____



Speedway 95 Promotions Inc.
26 Nottingham Way
Brewer, ME 04412
(207) 945-9595

Thursday, September 19, 2024

To: Town of Hermon
From: Shawn Ryder, Track Manager
RE: Live Event

I am writing this letter to confirm that Roger Smith has been given permission to host a live band event at Speedway 95 located at 1070 Odlin Road, Hermon ME 04401. This Event will take place on the premises and will be monitored by track management. If you have any questions or need anything further please let me know. I can be reached at 207-991-2990.

Thank you.

Shawn Ryder
Track Manager
Race Director
Speedway 95



R24-25-06

Be it resolved by the Hermon Town Council in Town Council assembled to approve Conley Event LLC (DBA) Morgan Hill Event Center liquor license on Thursday, October 10, 2024.

SIGNED this October 30, 2024, by the Hermon Town Council:

John Snyder III

Ronald Murphy

Joshua Berry

Richard Cyr

Christopher Gray

Terry Hamm-Morris

Derek Wood

Attest Original: _____

Motion _____	Yeas _____	
Second _____	Nays _____	Date _____



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Conley Events LLC	Business Name (D/B/A): Morgan Hill Event Center
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 82 Morgan Hill Lane Hermon, ME 04401
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: ryan@morganhilleventcenter.com
Telephone # Fax #: 207-848-7100	Business Telephone # Fax #: 207-848-7100
Federal Tax Identification Number: 84-1732713	Maine Seller Certificate # or Sales Tax #: 1200301
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? New Expected Start date: _____
- Renewal Expiration Date: 11/11/2024



FR24-25-05

Be it resolved by the Hermon Town Council in Town Council assembled to authorize the Fire Chief Cody Sullivan, or his designee, to expend an amount not to exceed \$10,000 from the Municipal Building Reserve Account (30-11-57-11) to purchase and install a new flagpole for the Town Office and Public Safety Building.

SIGNED this October 10, 2024 by the Hermon Town Council:

John Snyer III

Ronald Murphy

Joshua Berry

Richard Cyr

Christopher Gray

Terry Hamm-Morris

Derek Wood

Attest Original: _____

Motion _____ Yeas _____

Second _____ Nays _____ Date _____



R24-25-07

Be it resolved by the Hermon Town Council in town council assembled, the mill rate for Fiscal Year 2024-2025 is set at 10.90 mills with a commitment date of 09/30/2024, a due date of 04/01/2025, interest to start on 04/02/2025 at the annual interest rate of 8.5% on the unpaid balance.

SIGNED this October 10, 2024 by the Hermon Town Council:

John Snyder III

Ronald Murphy

Joshua Berry

Richard Cyr

Christopher Gray

Terry Hamm-Morris

Derek Wood

Attest Original: _____

Motion _____	Yeas _____	Date _____
Second _____	Nays _____	



FR24-25-06

Be it resolved by the Hermon Town Council in Town Council assembled to authorize the Town Manager, or his designee, to sign an agreement with Eastern Maine Development Corporation for an amount not to exceed \$24,000 from the Administrative Reserve Account (HERM 02) and \$8,000 from Economic Development Account 11-01-04-08, for Land Use Ordinance affordable housing updates. Additionally, this resolve will authorize the manager, or his designee, to apply for grant funds from the State of Maine Department of Economic and Community Development for a portion of consultant and planning costs.

SIGNED this October 10, 2024 by the Hermon Town Council:

John Snyder III

Ronald Murphy

Joshua Berry

Richard Cyr

Christopher Gray

Terry Hamm-Morris

Derek Wood

Attest Original: _____

Second _____	Motion _____	Yeas _____	Date _____
	Nays _____		



October 4, 2024

Memo: RFP for Ordinance Review Consultant

Stephen,

The Town Land Use Ordinance is perhaps one of the most important tools that staff, engineers and developers have to guide quality development projects. The final draft ordinance should be prepared by a consultant after committee input to make sure it meets with the requirements of the State of Maine Revised Statutes and the strategies and goals of the Comprehensive Plan.

We supplied the RFP to three specific qualified firms including EMDC, Camoin Associates and Musson Inc. Eastern Maine Development Corporation returned the only proposal not to exceed \$32,000. I am enclosing the proposal submitted by EMDC for review.

Please add this item to the Council agenda and request approval to sign a financial resolve indicating making the award to EMDC for the Land Use Ordinance update.

Sincerely,

Scott Perkins
Town of Hermon
848-1010 (office)
852-2403 (cell)

Mailing address
333 Billings Road
Hermon, ME 04401

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
Website: www.Hermonmaine.gov



**Proposal For Services
for the
Town of Hermon
333 Billings Road
Hermon, Maine 04401**

Attn: Jessefa Murphy

**Submitted October 4, 2024 by
Eastern Maine Development Corporation
Jennifer King, Senior Director of Planning & Development
40 Harlow Street
Bangor, ME 04401**

Scope of Services

Eastern Maine Development Corporation (EMDC) proposes to provide the following services to the Town of Hermon to update the Land Use Ordinance in alignment with the 2023 Comprehensive Plan

Key Deliverables

- Monthly meetings with the Committee (12 total)
- Four additional meetings with administrative staff
- One public hearing with the Planning Board
- One public hearing with the Town Council
- Preparation of a comparison table highlighting current vs. proposed land use changes
- Public engagement and input sessions

Performance Schedule

The project will be completed within 12 months, with a proposed timeline beginning in October, 2024. Meetings with the Planning Committee will be held monthly, and the final draft will be presented in October, 2025.

Description of Services

Upon execution of a fee-for-service contract, EMDC will be prepared to perform the identified services:

- Initial Research & Ordinance Review
 - Review of the 2023 Comprehensive Plan and current Land Use Ordinance
 - Identification of areas requiring revision, aligned with the Comprehensive Plan's goals
- Stakeholder & Committee Engagement
 - Organize and facilitate monthly meetings with the Ordinance Planning Committee (12 total)

- Engage Town officials and staff to ensure the ordinance reflects administrative needs
- Coordinate two public hearings (one with the Planning Board and one with the Town Council)
- Public Input & Revisions
 - Conduct public engagement sessions to gather community input
 - Revise draft ordinance based on feedback and ensure alignment with Title 30-A, Chapter 187 of Maine Revised Statutes
- Final Presentation
 - Submit final Land Use Ordinance draft to the Planning Board and Town Council for approval
 - Provide a comparison table of current vs. proposed land use changes
 - Ongoing collaboration with Town staff to ensure ordinance updates meet administrative needs

Qualifications

Proposer Information

- Legal Name: Eastern Maine Development Corporation
- Type of Entity: Non-profit organization (see attached)
- Incorporation: Incorporated November 9, 1981, State of Maine

Key Personnel

- Lead Project Consultant: Senior Director of Planning and Development, Jennifer King, brings extensive experience in regional planning and municipal ordinance development. As the overseer of the Regional Planning Commission, she manages various critical functions, including Planning, Broadband, Brownfields, and Climate Resilience. This experience provides a comprehensive foundation in local government policy, land use regulations, and public engagement—key elements for updating the Town of Hermon’s Land Use Ordinance. Key Experience:
 - Expertise in ordinance revisions and municipal planning
 - Active member of the City of Bangor Planning Board
 - Member of the Board of Maine Association of Planners
 - Extensive experience with public engagement and stakeholder meetings
- Assisting Ms. King will be Hope Eye and Kevin Anderson, Regional Planners.
 - Hope Eye has been part of the EMDC team since February of 2023, serving in multiple capacities before transitioning to planning in June 2023. She is responsible for preparing community comprehensive plans. She recently organized and hosted two coastal and climate resiliency planning workshops for

municipalities along the lower reaches of the Penobscot River. Hope has also headed the Housing Opportunity Program initiative, a pilot program funded by Maine Department of Economic & Community Development (DECD) to encourage and support the development of additional housing units that are affordable for low-income and moderate-income residents in the towns of Lincoln, Old Town, and Greenville.

- Kevin Anderson joined EMDC in January of 2024. He is responsible for preparing community comprehensive plans. Kevin is also the Climate Resiliency Partnership Service Provider working with 5 chosen communities to provide assistance for how these towns can identify issues related to climate change and opportunities for increasing resilience. His background is in Earth & Climate Science, and has experience in project management, GIS mapping, and arctic fieldwork.

Relevant Projects

- Town of Hermon Comprehensive Plan update – Scott Perkins, Economic Development Director ([sperkins@hermonmaine.gov](mailto: sperkins@hermonmaine.gov))
- Contract Planner for town of Hampden – Paula Scott, Town Manager ([townmanager@hermonmaine.gov](mailto: townmanager@hermonmaine.gov))
- Comprehensive Economic Development Strategy for Mi’kmaq Nation – Nichole Francis, Tribal Administrator ([nfrancis@micmac-nsn.gov](mailto: nfrancis@micmac-nsn.gov))

Cost of Services

The cost for performing proposed services is based upon the time and effort of the Regional Planning team. The cost of salary, fringe benefits, and indirect costs related to copying, technology, and space has been calculated at a rate of \$115.00/hour.

Hours included in “not to exceed” cost	
Research & Review	130 Hours
Ordinance Planning & Drafting	130 Hours
Public Engagement Sessions	5 Hours
Hourly rate chart for additional services not covered in contract	
Jennifer King	\$120.00/hr.
Hope Eye	\$95.00/hr.
Kevin Anderson	\$95.00/hr.

The estimated cost for this proposal is \$30,000 (not to exceed \$32,000)

Filing Fee (See Sec. 1401)

For Use By The Secretary of State	
File No.	
Fee Paid	
C.B.	
Date	

NONPROFIT CORPORATION

File No. 19670065HU Pages 4
 Fee Paid \$ 10.00
 DCN 1933541500004 REST
 FILED
 12/16/1993

STATE OF MAINE
 RESTATED INCORPORATION
 ARTICLES OF ~~INCORPORATION~~

805
 Pursuant to 13-B MRSA ~~§1002, 1003, 1004~~, the under-
 signed corporation executes and delivers for filing
 the following ~~ARTICLES OF INCORPORATION~~ Restated
 Articles of Incorporation:

Deputy Secretary of State
A True Copy When Attested By Signature
Deputy Secretary of State

- FIRST: STATE NATURE OF CHANGE (eg "New Section", "Deletion of Words", "Revision of Article 3") as well as TEXT of Amendment. Use back of form if necessary.
1. Change name of corporation to Eastern Maine Development Corporation. (see attached)
 2. Change number of directors (see attached)
 3. Change requirements of membership.

SECOND: This amendment was adopted on September 23, 1993, as follows:
 ("X" one box only)

- a. By the members at a meeting at which a quorum was present and the amendment received at least a majority of the votes which members were entitled to cast.
- b. (If the Articles require more than a majority vote.) By the members at a meeting at which the amendment received at least the percentage of votes required by the Articles of Incorporation.
- c. By the written consent of all members entitled to vote with respect thereto.
- d. (If no members, or none entitled to vote thereon). By majority vote of the board of directors.

THIRD: Address of the registered office in Maine: 1 Cumberland Place, Bangor, ME 04401
 (street, city and zip code)

MUST BE COMPLETED FOR VOTE OF MEMBERS
I certify that I have custody of the minutes showing the above action by the members.
<u>Alberta P. Gough</u> (signature of clerk, secretary or ass. secretary)

Eastern Maine Development District
 (Name of Corporation)
 By Charles G. Roundy
 (signature)
 Charles G. Roundy, President
 (type or print name and capacity)
 By Alberta P. Gough
 (signature)
 Alberta P. Gough, Secretary
 (type or print name and capacity)

Dated: October 21, 1993

This document MUST be signed by (1) the Clerk OR Secretary OR (2) the President or a vice-president AND the Secretary or an assistant secretary, or such other officer as the bylaw may designate as a 2nd certifying officer OR (3) if no such officers, then a majority of the directors or such directors designated by a majority of directors then in office OR (4) if no directors, then the members or such of them designated by the members at a lawful meeting.

ONE

Revised: November 9, 1981
June 28, 1990
September 26, 1991
September 23, 1993

**RESTATED ARTICLES OF INCORPORATION
OF
EASTERN MAINE DEVELOPMENT CORPORATION**

Pursuant to 13-B M.R.S.A. Section 805, Eastern Maine Development Corporation adopts the following restated Articles of Incorporation:

FIRST: The name of the corporation is Eastern Maine Development Corporation.

SECOND: The corporation is organized for the following purposes:

To assist the communities of the State of Maine in encouraging development projects and implementing development strategies, including industrial development, transportation, recreation, criminal justice, site location of development, downtown redevelopment, business development assistance, port development, pollution abatement projects, vocational education facilities, water systems, resource analysis, commercial fisheries and other similar activities.

To benefit the community by increasing employment, payroll, business volume, and related factors, and as one means of accomplishing this purpose, to promote and assist the growth and development of business concerns including small businesses.

To alleviate conditions of substantial and persistent unemployment and under-employment in the service area and to establish stable and diversified economies through total community development.

THIRD: (See page 3)

FOURTH: The minimum number of Directors shall be nineteen (19) and the maximum number of Directors shall be twenty-five (25).

FIFTH: The Corporation shall have at least 100 members. Members of the Corporation from each county ("Corporate Members") will be nominated on the basis of one member for each 3,000 people residing in said county to the extent practicable. The Membership shall reflect the social, racial, and economic fabric of the District and it shall be the goal that each county have at least two members from each of the following: local government, private

sector lending institutions, community organizations, and business organizations. In addition, a representative from each of the Indian Reservations shall be elected as a member of the Corporation by the respective Tribal Councils. Each Director, if not already a member of the Corporation, shall become a member upon his election or appointment as Director.

New members shall be elected to the Corporation by the Board of Directors annually as vacancies occur except that vacancies in representation from the Indian Reservations shall be filled by the respective Tribal Councils as vacancies occur.

The Nominating Committee shall review the Corporation membership list for each county annually, and recommend additional members where there are vacancies based upon the allocation of one member for each 3,000 people residing in any county of the District. The Board shall act upon any such nominations at its Annual Meeting. The Board shall then move to fill vacancies on a county's delegation as they occur. Membership must include representation from each of the following four groups: government, private lending institutions, community organizations, and business organizations. All members shall have full voting rights.

SIXTH: The corporation is authorized and empowered to do all things necessary to carry on and accomplish the purposes for which it is organized and chartered, including authority and power:

To enter into, make and perform contracts of every kind and description.

To borrow, lend or raise monies for any of the purposes of the corporation without limit as to amount, and to execute all necessary legal instruments incident thereto by mortgage upon or pledge, conveyance, or assignment in trust of the whole or any part of the property of the corporation, and to sell, pledge or otherwise dispose of such bonds or other obligations of the corporation for its corporate purposes.

To have one or more offices; to carry on all its business without restriction or limits as to amount; to purchase otherwise personal property as provided by statute.

To acquire, construct, convert, or expand plant facilities for lease or sale.

SEVENTH: No part of the net earnings of the corporation shall inure to the benefit of any officer, director or other private individual.

In the event of dissolution, all remaining assets, after payment of legal obligations, will be distributed to an organization(s) qualifying under Section 501(c)(3) of the 1986 Internal Revenue Code.

The Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 as amended, or by a non-profit corporation organized without capital stock under applicable laws of the State of Maine.

THIRD: The name of the corporation's Registered Agent is Charles G. Roundy, whose address is 1 Cumberland Place, Bangor, Maine 04401.