



**City of Biddeford
City Council**

November 7, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

[Click to Join Zoom Meeting Online](#)

Or call in by phone: +1 312 626 6799

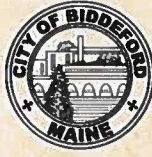
Meeting ID: 997 9089 7275

Passcode: 907995

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Proclamation
 - 4.a 2024 Extra Mile Day
 - 4.b 2024 Veterans Day Proclamation
5. Public Hearing
 - 5.a Public Hearing General Assistance
6. Appointments
 - 6.a 2024.176 Approval / Mayoral Appointments to Citizen Committees
7. Public Addressing the Council
(3 minute limit per speaker for up to a total of 15 minutes)
8. Games of Chance
 - 8.a Games of Chance applications Amvets
9. Consideration of Minutes
 - 9.a Council Minutes 10-15-2024
 - 9.b Council Minutes 11.1.2024
10. Second Reading

- 10.a 2024.168 Approval Amendment Back Lot Ordinance
- 10.b 2024.169 Approval Text Amendment Marijuana Establishments
- 10.c 2024.171 Approval Amend Table B Dimensional Requirements
- 11. Orders of the Day
 - 11.a Remove from Table 2024.170 Approval Amend Ordinance Inclusionary Zone
 - 11.b 2024.177) Approval/General Assistance Maximums and Ordinance
 - 11.c 2024.178 Approval of RFP for Gilbert Boucher Park Bath house
 - 11.d 2024.179) Approval/Lease Purchase of New Rear Packer Waste Truck
 - 11.e 2024.180) Approval/School Department Career and Technical Education Equipment Bond
 - 11.f 2024.182 Blanket Letter of Approval Games of Chance
 - 11.g 2024.183) Delete Part II Code of Ordinances, Chapter 42-Motor Vehicles and Traffic, Article I-In General, Sec. 42-8 Parking Authority
 - 11.h FEMA Update January 2024
- 12. Public Addressing the Council
(5 minute limit per speaker)
- 13. City Manager Report
- 14. Other Business
- 15. Council President Addressing the Council
- 16. Mayor Addressing the Council
- 17. Executive Session
- 18. Adjourn

City of Biddeford



PROCLAMATION

EXTRA MILE DAY 2024

WHEREAS, Biddeford is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Biddeford is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Biddeford is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, The Biddeford City Council acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and was proud to support “Extra Mile Day” on November 1, 2024; and

NOW, THEREFORE I, Mayor Martin Grohman do hereby proclaim November 1, 2024, to be Extra Mile Day. I urge each individual in the community to take time to “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

*In Witness Whereof, We the undersigned have herewith affixed
our signatures this 7th day of November 2024.*

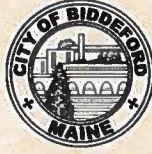
Martin Grohman
Mayor

*Thanks for going the
Extra mile!*



[Signature]
City Clerk

City of Biddeford



PROCLAMATION

VETERANS DAY 2024

WHEREAS, President Wilson proclaimed November 11, 1919 as Armistice day and deemed it a day to recognize those who had fought to preserve our country's freedom and to perpetuate peace among nations and the first "Veterans Day Proclamation" was issued by President Eisenhower in 1954; and,

WHEREAS, Americans continue to enjoy their freedoms as a result of the contributions and the sacrifices made by all Veterans and their families, during times of war and during times of peace, to protect and defend the United States of America and its allies; and

Whereas, We encourage Biddeford residents to join their fellow Americans and take time on November 11th to take pause and honor those who have selflessly served in our Armed Forces, and

Whereas, We wish to convey the depth of our gratitude these brave men and women but especially to Veterans currently residing in the City of Biddeford; and,

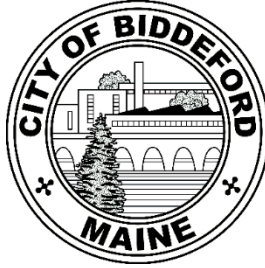
Now, Therefore, be it resolved that I, Martin Grohman, Mayor of the City of Biddeford, do hereby observe November 11, 2024 as VETERANS DAY in Biddeford, and I encourage all Biddeford citizens to observe this day with gratitude and appreciation for the men and women who have served our country.

*In Witness Whereof, We the undersigned have herewith affixed
our signatures this 7th day of November 2024.*

Mayor



City Clerk



NOTICE OF PUBLIC HEARING

CITY OF BIDDEFORD

The **City Council of Biddeford** will hold a **Public Hearing** on **November 7, 2024**, at **6:30PM** in Biddeford City Hall, Council Chambers located at 205 Main Street to discuss the following agenda items:

Proposed Increase to General Assistance Maximums for Fiscal Year 2025 (FY25)

The Public Hearing is being held to consider the **adoption of updated General Assistance maximums** for housing, utilities, food, and other basic necessities, as mandated by the Maine Department of Health and Human Services (DHHS). These maximums are updated annually to reflect changes in the cost of living and ensure adequate support is provided to individuals and families in need within our community.

The proposed maximums would take effect immediately following Council approval and would be in place for the entirety of Fiscal Year 2025.

All interested persons are encouraged to attend this Public Hearing to present comments or ask questions concerning the proposed changes.

For further information or to review the proposed General Assistance maximums in detail, please contact the **General Assistance Office** at **207-284-9514** or via email at GA@biddefordmaine.org.

City of Biddeford



2024.176 IN BOARD OF CITY COUNCIL...NOVEMBER 7, 2024
BE IT ORDERED, that I Martin Grohman, do hereby appoint:

Wendy Johnson
Ward 5
Sustainability Commission
for a term to expire December 2025

John Wallach
Ward 3
Sustainability Commission
for a term to expire December 2025

Kevin Locke
Ward 2
Biddeford Fire Advisory Committee
For a term to expire December 2029

Don Furman
Ward 1
Saco River Corridor Commission -Voting Member
For a term to expire November 1, 2027

Attest by: _____
Robin Patterson, City Clerk

Committee, Board, and Commission Application Form

Application

Name Wendy Johnson

Pronouns Field not completed.

Ward 5

Need to find your Ward?

[Click here to find your Ward on a map or a list of streets.](#)

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to? Field not completed.

If other, please list below. Sustainability Commission

Why are you interested in serving the City of Biddeford? Quite simply because I live here, have lived and worked here for over a decade. The many people I have met, became good friends with and the networks built are important to me; very often, if not always, these people and all we do together give meaning and purpose to my life.

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. As a homesteader in Arundel for 30 years I learned what sustainability actually means and what it takes to get there. Slowly over the years we learned the skills, knowledge, perseverance and resiliency that comes with being more self-sufficient and that it takes a village - as the saying goes. I also have decades and decades of research on environmental issues, our culture, politics, and through keen observation have come to be in awe of and deeply respect the natural world and all her systems that allow us life. Although I have studied (still study) these subjects and garnered knowledge from the land under my feet, I acknowledge it is but a speck of dust and everything changes constantly. Basically, I am a big picture thinker with a wide-angle view.

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). No experience serving on a board or commission but I have been on the Biddeford Community Gardens' committee for 4 years.

Committee, Board, and Commission Application Form

Application

Name john

Pronouns you

Ward ward3

Need to find your Ward?

[Click here to find your Ward on a map or a list of streets.](#)

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to? Other

If other, please list below. Sustainability

Why are you interested in serving the City of Biddeford? I consider the Climate Change issue an existential crisis. I formed a Creation Care Project in my Good Shepherd Parish six years ago in order to present information on Climate Change. I view being a member of the Biddeford Sustainability Group as an extension of that group. I have read the Biddeford Climate Action Plan and would look forward to being a part of the challenges ahead.

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. The Creation Care Project that I founded at my Parish was a group of Scientists and other individuals interested in the Environmental movement. We met weekly to analyze climate change issues and how to communicate to other members of the Parish

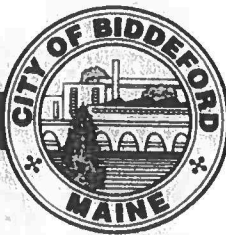
Adjunct Prof. of Philosophy at USM for 10 years which, in part, dealt with the ethical issues of Climate Change.

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). 1975-1976, Chair of the Bangor Planning Board

1990-1993, Board of Education, So. Portland

1999-2000, Board of Education, St. James School, Biddeford

Maine Bio Ethics Chairman, 2004



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date:

10/16/24

Name:

KEVIN LOCKE

Street Address:

Mailing Address:
(if different)

SAME AS ABOVE

Phone Number(s):

Email Address:

Ward:

2

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|---|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☒ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

- TOWAN DA CLUB WOBURN MASS (16 YRS BOD) PRESIDENTX.
- CURRENT LY BOARD DIR EAGLES CLUB (BID)
- WATTHAM BOYS CLUB VOLUNTEER 70'S-12 YRS
- A NAVS KING RELECTION CANPAINE

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

- 42 YR CAREER CLINICAL PHARMACIST (RET 2017)
- PHARMACOLOGY LECTURES NAADOME
- RETIRED NAVAL OFFICER 11 YRS (LT) MEDICAL

Please provide a brief statement describing your interest in serving the City of Biddeford.

- ON NAVORS VOLUNTEER COMITEE
- WORKING TO HOUSE HOMELESS BIDDIFORD
- WORKING TO HOUSE HOMELESS VETS

Attach any additional information to this application and return it to the City Clerk's Office.

MEMORANDUM

TO: Don Furman, Biddeford Commission Member

FROM: Haley Lachance, Administrative Assistant, Clerk of the Board

DATE: October 9, 2024

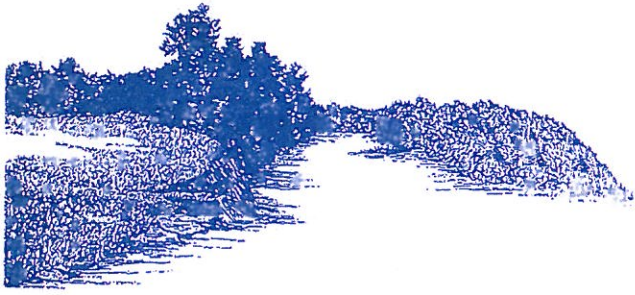
SUBJECT: Commission Term Expirations

Your terms on the Saco River Corridor Commission are scheduled to expire at the end of this month. For those of you who wish to continue as an active member of this Commission beyond that time, you must be re-appointed by your respective municipality. Enclosed you will find a copy of the letter recently mailed to your municipality with regard to this fact.

As a reminder, you have 30 days from your date of appointment to be sworn in by both your municipal clerk and a dedimus justice. If this step is not completed in a timely manner, your appointment will become invalid. Unfortunately, the only way to correct this would be for you to be reappointed by the municipality which would start the 30 days again.

Also enclosed are instructions briefly explaining the appointment/reappointment process. As a reminder, the Certificate of Qualification must be completed by a Dedimus Justice. Please send the original back to me. **Do not** forward it to the Secretary of State's Office.

Please don't hesitate to contact me with any questions.



Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

October 9, 2024

Robin Patterson
Biddeford City Clerk
PO Box 586
Biddeford, ME 04005

Dear Ms. Patterson:

It is once again nearing the time for the City of Biddeford to appoint new members or reappoint current members to the Saco River Corridor Commission. Currently, Don Furman is your primary member representing the community of Biddeford, and the alternate position is vacant.

The bylaws of the Saco River Corridor Commission state that membership terms run for a length of three years. The City of Biddeford's Commission memberships are scheduled to expire on November 1, 2024, and will expire three years later in 2027.

During the time that Mr. Furman has been a Commissioner, he has been a great asset to the Commission, and we hope that he will remain a Commissioner with the SRCC for another three-year term.

Once the Town of Biddeford has made its decision regarding the appointment of members to represent your community on this Commission, please forward a copy of the signed appointment papers to this office. Also, once a person has been appointed, they have 30 days to take any oaths of office required by the Town and to be sworn in by a dedimus justice as required by Title 5 of the M.R.S.A. Section 6. If these requirements are not fulfilled, the appointment by the municipality will be considered invalid, and the appointment process must begin again.

If you or members of your community have any questions regarding what is entailed with being a member of the Commission, please don't hesitate to contact us. Your time and cooperation are greatly appreciated in this matter.

Sincerely,

Haley Lachance
Saco River Corridor Commission
Administrative Assistant
Clerk of the Board

cc: Don Furman, Biddeford Primary Commission Member

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



Application to Register Games of Chance

MGCU - 5400

****The application (to include the organization's rules for the game(s)) and the registration fees must be received by the Gambling Control Unit at least ten business days prior to the Game(s) of Chance requested****

Games of Chance: \$15 Calendar Week (Monday through Sunday); \$60 Calendar Month; \$700 Calendar Year (January to December)

Make check payable to **Treasurer, State of Maine**

Return the completed and signed application to:

**Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax**

1. For what game(s) are you registering (please indicate number of games adjacent the name of the game and attach the organization's rules for the game(s) requested to the application):

Sealed Ticket 4 Dice 1 Wheel _____ Pot of Gold (Daily/Weekly Pool) 1

Queen of Hearts _____ Three Card Challenge _____ Other (Indicate Name of Game) _____

2. Organization Name: Amvets Post 1
147 Alfred Street
Biddeford, ME 04005

Organization Number (NPO or NCO): 2205 Federal Tax ID # (EIN): 01-0342874

Business Address: Amvets Post 1
147 Alfred Street
Biddeford, ME 04005

City: _____ State: _____ Zip Code: _____

Mailing Address: Amvets Post 1
147 Alfred Street
Biddeford, ME 04005

City: _____ State: _____ Zip Code: _____

3. Current Officers:

FINANCE
JAMES THIBODEAU 400 ALFRED ST. Biddeford 04005 207-590-0620 APR. 2025
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES
2nd VICE

LIONEL LAMONTAGNE 6 FIELDCREST DR. Biddeford 04005 282-4466 APR. 2025
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES
Adj.

JOSEPH FOSTER 439 MOUNTAIN RD. Biddeford 04046 282-1099 APR. 2025
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES

NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES

4. Location where Game of Chance is to be conducted:

Amyvets Post 1
147 Alfred Street
Biddeford, ME 04005

BUILDING

ADDRESS

CITY/ZIP

5. Person responsible for the conduct of the Game(s) of Chance:

JAMES THIBODEAU

267-590-0020

NAME

DAYTIME PHONE & EVENING PHONE

E-Mail Address:

jimtib1@yahoo.com

6. Circle the day(s) of the week you will be conducting Game of Chance:

Mon ☒ Tue ☒ Wed ☒ Thu ☒ Fri ☒ Sat ☒ Sun ☒

7. What time do the doors open? 11:00 AM What time does the game start? 11:00 AM

8. Dates – Please specify either weeks (Monday through Sunday), full calendar months or calendar year (Jan to Dec). If more space is needed attach a sheet of paper to this application listing the information. Please write your organization name and number on the sheet

JAN. 2025	NOV. 2025			
FEB. 2025	DEC. 2025			
MAR. 2025				
APR. 2025				
MAY 2025				
JUN. 2025				
JUL. 2025				
AUG. 2025				
SEPT. 2025				
OCT. 2025				

9. Does the organization own all the equipment used in operating the Game of Chance? Yes ☒ No ☐

If "NO", Attach a sheet of paper to this application explaining the circumstances under which the equipment was acquired. Please write your organization name and number on the sheet.

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine?

Yes ☐ No ☒

If "YES" attach a sheet of paper to this application providing the person's name, address, and date and place of conviction or date and location of pending charge. Please write your organization name and number on the sheet.

11. Does the organization have any delinquent / outstanding Disposition of Funds Reports? Yes ☐ No ☒

If "YES" include all reports with this application. If the reports are not included, this application is considered incomplete.

12. **Fair Association Only:** Attach a list of the names and home addresses of the persons operating or assisting in the registered activity. Please write your organization name and number on the list.

13. The applicant agrees to obey Federal, State of Maine laws, and rules governing Games of Chance promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury.

NOTE: A MGCU-5475 Sealed Ticket report form must be submitted to the unit by the 10th of each month for the previous month.

Signed: 

Print Name: JAMES THIBODEAU Title: FINANCE OFFICER

Date: 10-8-2024 Age 18 or older: Yes ☒ No ☐

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



Application to License Games of Chance

MGCU - 5300

****The application (to include the rules for the game(s)) and license fees must be received by the Gambling Control Unit at least ten business days prior to the Game(s) of Chance requested****

Games of Chance (I.E. Poker, Blackjack): \$15 Calendar Week (Monday through Sunday); \$60 Calendar Month; \$700 Calendar Year

Video Poker: \$15 Calendar Week (Monday through Sunday) or \$60 Calendar Month

Cards (Cribbage): \$30 Calendar Year or Portion Thereof

Super Cribbage Tournament Game: \$75.00 Per Tournament

Tournament Game (up to 50 players) (I.E. Texas Hold'em): \$40.00 Per Tournament; \$100.00 Calendar Month (Two Tournaments Per Month); \$750.00 Calendar Year (Two Tournaments Per Month)

Tournament Game (51 to 100 players) (I.E. Texas Hold'em): \$75.00 Per Tournament; \$200.00 Calendar Month (Two Tournaments Per Month); \$1,500 Calendar Year (Two Tournaments Per Month)

Make check payable to Treasurer, State of Maine

Return the completed and signed application to:

**Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax**

1. For what game(s) are you licensing (please indicate number adjacent name and attach rules for the game(s)):

Tournament (Up to 50 Players) _____

Tournament (51 to 100 Players) _____

Video Poker _____ Cards (Cribbage) 1 Poker _____ Super Cribbage Tournament _____

Other _____ (Specify Name of Game) Amvets Post 1

147 Alfred Street
Biddeford, ME 04005

2. Organization Name: _____

Organization Number: 2205 Federal Tax ID # (EIN): 01-0342874

Business Address: Amvets Post 1
147 Alfred Street
Biddeford, ME 04005

City: _____ State: _____ Zip Code: _____

Mailing Address: Amvets Post 1
147 Alfred Street
Biddeford, ME 04005

City: _____ State: _____ Zip Code: _____

3. Current Officers:

FINANCE

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
<u>JAMES THIBODEAU</u> <u>2ND VICE</u>	<u>400 ALFRED ST. BIDD</u>	<u>04005</u>	<u>2075900020</u>	<u>APR. 2025</u>

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
<u>LIONEL LAMONTAGNE</u> <u>ADJ.</u>	<u>6 FIELDCREST DR. BIDD</u>	<u>04005</u>	<u>282-4466</u>	<u>APR. 2025</u>

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
<u>JOSEPH FOSTER</u>	<u>439 MOUNTAIN RD. ARUNDEL</u>	<u>04046</u>	<u>282-1099</u>	<u>APR. 2025</u>

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
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4. Location where Game of Chance is to be conducted:

Amvets Post 1
147 Alfred Street
Biddeford, ME 04005

BUILDING

ADDRESS

CITY/ZIP

5. Person responsible for the conduct of the Game(s) of Chance:

JAMES THIBODEAU
NAME

207-590-0020
DAYTIME PHONE & EVENING PHONE

E-Mail Address: jimtib1@yahoo.com.

6. Circle the day(s) of the week you will be conducting Game of Chance:

Mon Tue Wed Thu Fri Sat Sun

7. What time do the doors open? 11:00 AM What time does the game start? 12:00 PM

8. Dates – Please specify weeks (Monday through Sunday), full calendar months or calendar year.

JAN. 2025

MAY 2025

SEPT. 2025

FEB. 2025

JUN. 2025

OCT. 2025

MAR. 2025

JUL. 2025

NOV. 2025

APR. 2025

AUG. 2025

DEC. 2025

9. Does the organization own all the equipment used in operating the Game of Chance? Yes ☒ No ☐

If "NO", Attach a sheet of paper to this application explaining the circumstances under which the equipment was acquired. Please write your organization name and number on the sheet.

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine?

Yes ☐ No ☒

If "YES" attach a sheet of paper to this application providing the person's name, address, and date and place of conviction or date and location of pending charge. Please write your organization name and number on the sheet.

11. Does the organization have any delinquent / outstanding Disposition of Funds Reports? Yes ☐ No ☒

If "YES" include all reports with this application. If the reports are not included, this application is considered incomplete.

12. **Fair Association Only:** Attach a list of the names and home addresses of the persons operating or assisting in the licensed activity. Please write your organization name and number on the list.

13. **Tournament Game Only:** Specify the name(s) of the charitable organization(s) that the proceeds of the tournament will benefit.

14. The following consent must be completed by the municipal officers of the city or town where the Game(s) of Chance will take place unless a separate "Letter of Approval" is attached to this application.

☐ Check here if you have attached a "Letter of Approval". Letters that have an expiration date of greater than five years from the issue date will not be accepted by this office

Municipal Consent to License

The undersigned being municipal officers of the City/Town of _____ hereby certify that we consent to the application for licensure by _____ to operate Games of Chance in accordance with the provisions of 17 M.R.S.A. Chapter 62 and in accordance with the Rules promulgated by the State of Maine, Department of Public Safety, Gambling Control Unit governing the conduct of Games of Chance.

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

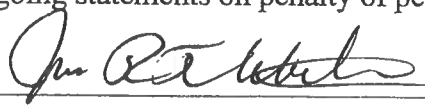
Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

15. The applicant agrees to obey Federal, State of Maine laws, and rules governing Games of Chance promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: 

Print Name: JAMES THIBODEAU Title: FINANCE OFFICER

Date: 10-8-2024 Age 18 or older: Yes ☒ No ☐

City of Biddeford
City Council
October 15, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

1. Roll Call

Council President LaFountain – present

Councilor Lessard – present

Councilor Ortiz – present

Councilor Emhiser – present

Councilor Whiting – excused

Councilor Beaupre – present

Councilor Gross – present

Councilor Belanger – present

Councilor Doughty – present

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

The City Clerk provided an update on early absentee voting. Early voting activities are available on the second floor, all polling place laws are in effect. Over 3,000 absentee ballots have been mailed/issued in the first week. Absentee ballots are available until October 31st. Voter Registration numbers are very high, very early as reported in the press recently. Voter Registration is available in person during normal office hours, also from 6 pm to 8 pm on Wednesday, October 30th and on election day. Election day is Tuesday, November 5th from 7:00 am to 8:00 pm at Tiger Gym, Biddeford High School.

4. Games of Chance

4.a Games of Chance application York County Veteran's Alliance

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

5. Appointments

5.a 2024.165 Approval Mayoral Appointments to Citizen Committees

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

6. Presentation

6.a Biddeford Fire Advisory Committee-PRESENTATION

An update on the committee was provided by Fire Chief Best and Mr. Pendleton

7. Public Addressing the Council

1 spoke about housing.

1 gave an update on downtown businesses, another spoke about the business climate.

2 spoke in support of keeping the town landing.

1 spoke in favor of the new playground and would like an update on the skatepark.

8. Consideration of Minutes

8.a City Council Minutes 10-1-24

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Minutes approved.

9. Orders of the Day

9.a 2024.166 Approval/Purchase EMS Defibrillator Units

Motion: Councilor LaFountain

Second: Councilor Lessard

Councilor LaFountain stated that this item was unanimously approved by the Finance Committee.

Vote: Unanimous in favor.

Motion passed.

9.b 2024.168 Approval Amendment Back Lot Ordinance

Motion: Councilor LaFountain

Second: Councilor Lessard

City Planner David Galbraith explained that this fixes a loophole in the original language.

Vote: Unanimous in favor.

Motion passed.

9.c 2024.169 Approval Text Amendment Marijuana Establishments

Motion: Councilor LaFountain

Second: Councilor Lessard

Several councilors asked questions about the changes.

City Planner Galbraith reviewed the changes. This was reviewed again due to complaints about odor.

Vote: Unanimous in favor.

Motion passed.

9.d 2024.170 Approval Amend Ordinance Inclusionary Zone

Motion: Councilor Beaupre

Second: Councilor Lessard

Councilor LaFountain suggested this be reviewed again with the language changes approved in August of this year.

Councilor LaFountain – motion to table until the next meeting

Second: Councilor Lessard

Vote – Unanimous in favor.

Item tabled.

9.e 2024.171 Approval Amend Table B Dimensional Requirements

Motion: Councilor LaFountain

Second: Councilor Lessard

Economic Development Director George Gervais explained that this corrects some discrepancies from the November 2023 ordinance.

Vote: Unanimous in favor.

Motion passed

9.f 2024.172 Approval Installation of Fire Service Water Line & Separated Storm Sewer

Motion: Councilor Emhiser

Second: Councilor Lessard

COO Brian Phinney explained that this will allow provide savings by combining this with other water line work.

Vote: Unanimous in favor.

Motion passed.

9.g 2024.173 Approval City Hall Renovation Project - Interior Window Trim

Motion: Councilor Beaupre

Second: Councilor Lessard

Councilor Beaupre – motion to amend to change source of funding to City Hall Renovation Project.

Second: Councilor LaFountain

Vote on the amendment: Unanimous in favor.

Amendment passed.

Vote on the order as amended: Unanimous in favor.

Motion passed.

9.h 2024.174 Approval Condominium Conversions Emergency Moratorium

Motion: Councilor LaFountain

Second: Councilor Lessard

Public Comment –

3 people spoke in favor of the proposed condominium plan.

5 people spoke in favor of the moratorium.

Councilor Belanger cannot support the moratorium; it is not an emergency in his opinion.

Councilors LaFountain, Ortiz and Doughty expressed support for the moratorium and the current housing crisis is an emergency.

Councilor Gross would like to have the information sooner, especially if it is in her ward.

Councilors Emhiser and Belanger would like a workshop on this topic.

Vote: 6 yeas – Councilors Ortiz, Gross, Doughty, Beaupre, Emhiser and LaFountain.

2 nays – Councilors Lessard and Belanger.

Motion passed.

9.i 2024.175 Approval Tax Payment Interest Deadline Extension

Motion: Councilor Lafountain

Second: Councilor Beaupre

Vote: Unanimous in favor.

Motion passed.

10. Public Addressing the Council

3 people spoke about taxes, budgets and financial issues.

11. City Manager Report

Jess Wilson will be taking over the responsibilities for the Lead Housing Program.

City Manager Jim Bennett announced his plans to retire in April 2025.

12. Other Business

13. Council President Addressing the Council

Council President LaFountain congratulated City Manager Bennett on his retirement plans. He would like to see more communication to the public about property assessments.

14. Mayor Addressing the Council

Mayor Grohman thanked City Manager Bennett for his years of service.

Save the date: the grand opening of the addition to the Center of Technology at Biddeford High School is Tuesday, October 29th at 9:30 am.

15. Executive Session

15.a Executive Session MRS 405 (6) c Real Estate Matters

15.b Executive Session MRS 405 (6) e Legal Matters

15.c Executive Session MRS 405 (6) a Personnel Matters

Councilor Belanger – motion to go into executive session for real estate matters and legal matters at 7:59 pm.

Second: Councilor Lessard.

Vote: Unanimous in favor.

Motion passed.

Councilor Belanger motion to come out of executive session at: 8:59 pm

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

16. Adjourn

Councilor Belanger – motion to adjourn at 8:59 pm

Second: Councilor Lessard

Vote: Unanimous in favor.

Meeting adjourned.

City Council Meeting
November 1, 2024
6:00 PM

Mayor Martin Grohman called the zoom meeting to order at 11:06 AM. Councilors Whiting, Gross, LaFountain, Ortiz and Lessard were present. Councilors Doughty, Beaupre, Emhiser and Belanger were excused.

On a motion by Councilor Whiting, seconded by Councilor Ortiz, the Council voted unanimously to approve the October 30, 2024 minutes.

Following a discussion on the proposed settlement to a potential litigation resulting from the recently adopted Condominium Conversions Emergency Moratorium, the Council voted 4-1 (Ortiz) to authorize the City Manager to enter into a settlement agreement with Pepperell Mill Progression, LLC; Peppermill Condominiums, LLC, and any and all other related entities/individuals based on the following terms:

1. Upon and in consideration of the City of Biddeford issuing condominium conversion permits for the 154 residential apartments to be converted to condominiums within Buildings 15, 35, 17 and 18 at the Pepperell Mill (the "Project") and confirming that the commercial space within those buildings may be converted to condominiums notwithstanding the moratorium adopted by the City on October 15, 2024 (the "Moratorium") Pepperell Mill Progression, LLC, Pepperell Mill Condominiums, LLC and any and all related entities/individuals (herein known as 'Project Owner') agree to waive any legal challenge of the City Council's adoption of the condominium conversions emergency moratorium.
2. The City agrees that the Moratorium will not be in effect for the Project Owner's application for conversion of Buildings 15, 35, 17 and 18, including the intended future application for nine (9) to-be-constructed residential condominiums in building 15, or any commercial condominiums at The Pepperell Mill.
3. The conversion of the residential apartments within the Project shall be subject to all of the conditions in the existing City of Biddeford condominium conversion ordinance unless otherwise specifically changed by this agreement.
4. The residential tenant notice period shall be no less than 180 days for any residential tenants within the Project receiving a notice to vacate specifically for the purposes of the condominium conversion.
5. Impacted residents shall receive the following transitional support from Pepperell Mill Progression et. a. as follows:
 - a. Shall make the cash payment for the amount equal to the rent paid for the immediately preceding two months as required in City Code Part III, Article VI, Section 72, E for those that entitled under the existing ordinance.
 - b. Any residential tenant who, voluntarily or for reasons aside from the condominium conversion, leaves at the end of their current residential lease shall receive a cash payment of one thousand dollars (\$1,000.00) in relocation assistance at the time of their move out.

- c. Any residential tenant who is given a 180-day notice to vacate specifically for the purposes of the condominium conversion shall receive the payment described in section 5.a above as well as two thousand dollars (\$2,000.00) in relocation assistance, payable upon their move out.
 - d. Any tenant who is renting a unit as of October 23, 2024 with a base rent (not including any additional add on charges for such these as CAM charges, etc.) of less than one thousand seven hundred fifty dollars (\$1,750.00) shall receive an additional one thousand dollars (\$1,000.00) in relocation assistance, payable upon their move out.
 - e. No transitional support will be given to residential rental tenants who are given a notice to vacate for other reasons such as nonpayment of rent or lease violations.
- 6. Any residential tenant who is given a 180-day notice to vacate specifically for the purposes of the condominium conversion shall be able to give a thirty (30) day notice to vacate (end the lease) without any penalty within that 180-day period and shall be entitled to the assistance as identified in the agreement.
- 7. Any current residential rental tenants of Pepperell Mill as of October 23, 2024 shall have future annual renewal increases capped at five percent (5%) per year for no longer than a three-year period. No additional new charges or fee increases, including but not limited to maintenance or service fees, shall be imposed in a manner that effectively circumvents the 5% annual cap within this period. This is only applicable during the period in which these residential rental units are owned by Pepperell Mill Progression, LLC.
- 8. Each tenant who does not elect to purchase a unit shall be entitled to assistance in finding a nearby rental accommodation. This assistance will be provided by the on-site staff at Pepperell Mill, including Megan Higgins and Courtney Brown. Megan and Courtney will assist these residential renters by providing a list of nearby rental options for their review. When possible, Megan and Courtney will work with the owners of these nearby buildings to pre-reserve units, as available, for these tenants. Each tenant will be responsible for researching the provided options independently.
- 9. Any tenant who elects to purchase a unit shall have:
 - a. The opportunity to purchase a unit before the general public at an off-market price without competition other than from other tenants at the Project, but tenants will have the first opportunity without competition to purchase the unit that they are renting.
 - b. Their last month of rent free.
 - c. An additional 3.5% (of the purchase price) buyer credit added to the settlement statement at close.
 - d. An opportunity to qualify for a 90% mortgage toward the purchase price of a Pepperell condo. Presidium has partnered with Androscoggin Bank to work with tenants directly in exploring this opportunity and assist them in securing financing for their purchase. Qualification for the 90% mortgage and any other financing terms shall be determined by Androscoggin Bank or any other applicable lender in the lender's sole discretion, based on criteria established by the lenders.
 - i. *Note that these incentives are only available for those who are current residents of Pepperell Mill at the time that the condo purchase decision is made. Current residents who move out of Pepperell Mill and who return in the future will not be eligible to take advantage of these incentives.
- 10. Pepperell Mill Progression, LLC will pay an increased condominium conversion fee of five hundred dollars (\$500) total per unit converted (an increase from \$150/unit as currently required) for all residential condominium conversion permits in buildings 15, 17, 35, and 18. Upon agreement to these terms, the City of Biddeford shall issue a "Will Issue" Letter to Pepperell Progression, LLC and Pepperell Mill Condominiums, LLC confirming that the permits

will be issued upon payment on this additional fee and that no condominium conversion permits shall be required for the conversion of commercial spaces in the Project to condominiums, which may proceed notwithstanding the Moratorium. The intention for these additional funds is a contribution to the Biddeford Affordable Housing Trust Fund.

The agreement shall be reviewed and recommended to the City manager by the City Solicitor prior to execution.

The Council adjourned at 11:34 AM on a motion by Councilor Lessard and seconded by Councilor Whiting. All members voted in that affirmative.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James A. Bennett", with a stylized flourish at the end.

James A. Bennett,
City Manager



City Council

Meeting Date: November 7, 2024

Meeting Time: 6:00 PM

Agenda Item No: 10.a

Item 2024.168 Approval Amendment Back Lot Ordinance

Description:

Submitted By: David C.M. Galbraith, Deputy Director of Planning & Development / City Planner

Supporting Information/Documentation:

Back Lot Amendment 10-2-2024 PDF , 20241015 2024.168 Flag Lot Back Lot Ordinance Amendments Council - ORDER 2, Back Lot Amendment City Council 10-15-2024, Planning Board 2023.24 Back Lot amendment - MEMO

Key Terms:

N/A

Executive Summary:

This proposed zoning amendment was brought before the Planning Board by City Staff to clarify what constitutes a “flag lot” / “back lot”.

Detailed Review:

The proposed Ordinance Amendment is being forwarded to the City Council by Staff, with a recommendation from the Planning Board, to adopt the proposed amendment, as written, as it seeks to update the City’s clarify, with text and graphics, what constitutes a “flag lot” / “back lot”. This amendment is being sought to close a found “loophole” within the adopted Ordinance, which unless modified would allow properties to be divided in conflict with the spirit and intent of the Ordinance. Proposed text is identified by blue underline and text deletions are shown in ~~red strikethrough~~. The proposed Ordinance language is attached.

Funding Source:

N/A

Staff Recommendation:

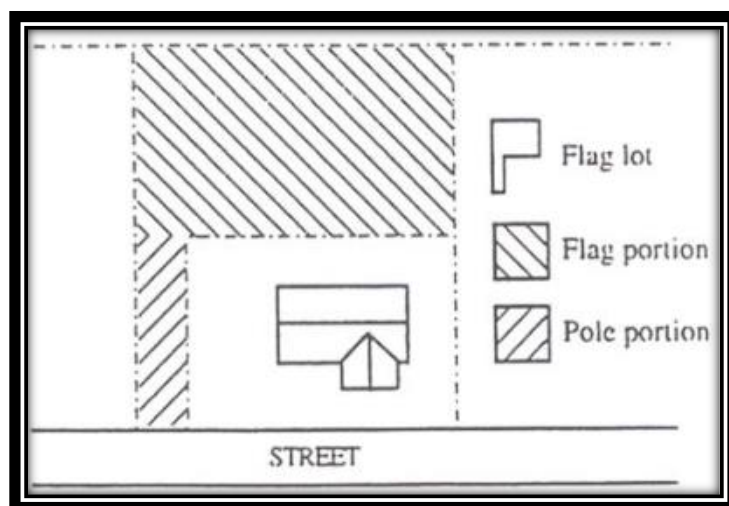
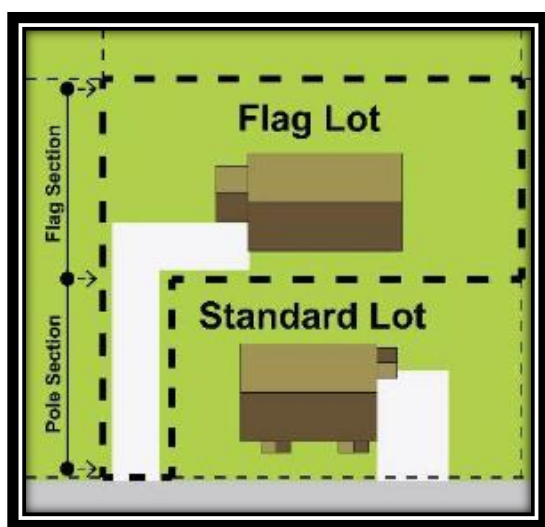
Staff is seeking Council approval of the proposed Ordinance as written and presented.

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

- A. Flag / Back lots. One new flag/back lot may be created from any lot of record that existed on August 1, 2023 and conforms to the lot requirements of Table B Dimensional Requirements except for the lot frontage requirement, provided that:
1. A new back lot may only be created on residentially zoned properties identified as “growth areas” in the City’s Comprehensive Plan.
 2. Backlots are prohibited on residential lots in City’s Rural Farm (RF) and Coastal Residential (CR) Zoning Districts.
 3. Back lots are prohibited in previously approved subdivisions without subdivision amendment review and approval by the Planning Board. Projects / divisions of this nature need to adhere to all subdivision standards, dimensional regulations and stormwater management regulations.
 4. Lots utilizing the Back Lot Ordinance may not be further subdivided including the creation of additional “back lots”.
 5. Each will be limited to one single or one two-family dwelling.
 6. The back lot and front lot will conform to the minimum lot area and minimum lot area per dwelling unit required in the district.
 7. Back Lots / Flag lots shall comply with the following:
 - A. The creation back lot is the division of the existing lot of record into two lots, where the front/standard lot is located in front of the created flag/back lot, as illustrated below.

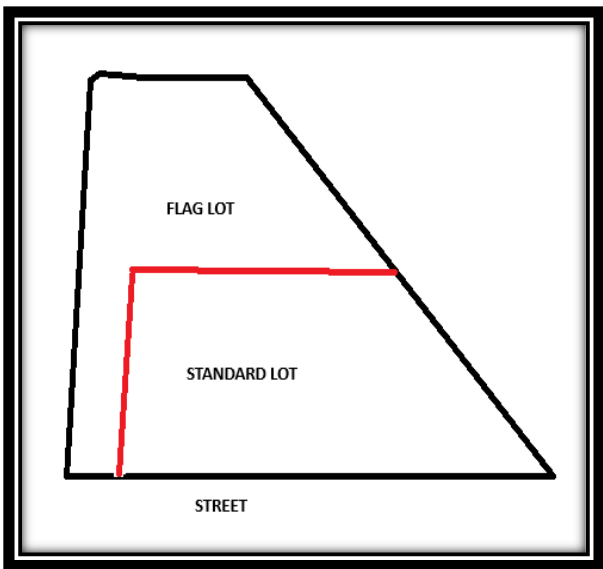
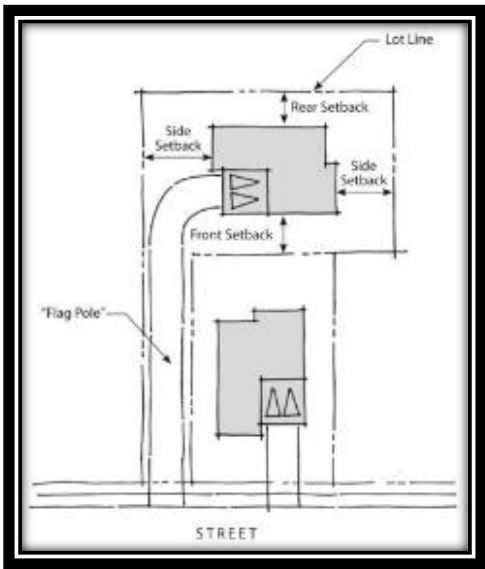


- B. When creating a flag / back lot, the existing house may be located on either the flag lot, or the front lot, and the new house placed on the created vacant lot. The flag / back lot shall gain

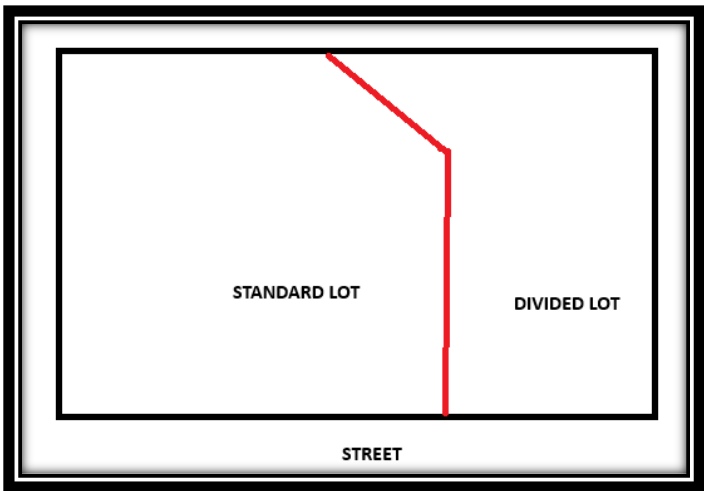
Planning Board Meeting: October 2, 2024
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vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

- C. The flag portion of the back lot shall be a minimum of 50% of the width, as measured at its front lot line, of the original lots existing street frontage. As illustrated below, the flag / back lot's front lot line is at least 50% of the existing street frontage. This is permitted when the lot is a slightly irregular shape and the existing street frontage is wider than that the rear of the lot.



Standard Flag Lot = Acceptable Irregular Flag Lot with 50%+ frontage = Acceptable.



Example (Left): Proposed / divided lot with reduced frontage, not meeting minimum frontage requirements. Not a Flag lot and not permitted under this Ordinance. PROPOSED LOT = NOT ACCEPTABLE

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

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8. The back lot has a deeded access to a publicly accepted street. This access may be obtained by:
 - a) A right-of-way / easement that is a minimum of 25 feet wide across the front lot that is deeded to the owner of the back lot; or
 - b) Extension of the back lot to the public street so that the back lot has at least 25 feet of frontage on the street. The creation of the back lot shall not make the front lot more nonconforming in street frontage or make the front lot nonconforming with respect to street frontage if it is conforming.
 - c) The 25 foot right-of-way (ROW) / easement area shall be designed to meet the following:
 - 1) There shall be a five (5) foot wide minimum driveway setback from the existing master lot to the existing structure.
 - 2) There shall be a five (5) foot wide minimum, driveway setback the length of the proposed driveway, along the abutting property line. This area shall remain vegetated.
 - 3) The proposed driveway shall be a minimum of twelve feet (12) in width, must remain unobstructed.
 - 4) The driveway width may be required to exceed the twelve foot (12') width if necessary to accommodate passage of emergency vehicles. Driveway/s exceeding 150' in length may be required to provide an emergency vehicle turn around. This determination and approval of access designs shall be made in writing by the Biddeford Fire Department.
 - 5) For safety reasons, driveways may be required to meet "private road construction requirements", Table 6-50, as determined by the City's Code Enforcement Office, Planning Director and Fire Department.
 - 6) The Code Enforcement Office may require additional information / studies to be provided by the Applicant prior to the issuance of a building permit.
9. The back lot and the front lot may share the same driveway and driveway roadway entrance providing the following conditions are met:
 - a) Proof of a recorded non-exclusive access easement, a minimum of twenty-five (25) feet in width, which will run with the land in perpetuity; the interior lot of record may only utilized as a single-family or two-family **Use** and shall meet all dimensional requirements within the zoning district in which they are located).
 - b) The access easement shall include provisions for snow removal, access maintenance, driveway replacement / reconstruction and maintenance responsibilities of each party of the lot division.
 - c) If 3 or more units are created, Subdivision review by the Staff Review Committee (SRC) may be required.

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

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10. The driveway shall be maintained in a passable condition, free of potholes, ruts, debris, snow, and shall not cause damage to municipal vehicles nor hinder emergency vehicle access.
 11. A turnaround area may be required, by the Biddeford Fire Chief, or their assignee, for the safe maneuvering of public safety vehicles. Written approval from the Department shall be submitted to the Code Enforcement Office with building permit application.
 12. Street numbering shall be approved by the City's E-911 Addressing Officer prior to the issuance of any required permits are issued. A sign or mailbox clearly stating the assigned street number shall be posted at the street, prior to issuance of the required Building Permit.
 13. If a public sewer line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the sewer, and be functional and operational, to the satisfaction of the City, prior to the issuance of a Certificate of Occupancy Permit being issued.
 14. If a public water line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the public water, and be functional and operational, to the satisfaction of the City, prior to the issuance of a Certificate of Occupancy Permit being issued.
- B. Lot standards. The following apply to new lots created after August 1, 2023:
1. Narrow strips of land along a street with a depth of less than the minimum front yard requirement for the zoning district in which the lot is located shall not be counted in meeting the minimum street frontage requirement.
 2. Prior to issuance of a building permit, the Code Enforcement Officer, Director of Engineering or City Planner may require that a wetlands delineation, prepared by a State of Maine Professional Licensed Engineer, be submitted to verify that the proposed building lot and proposed structures are adequate for building construction and the septic system installation consists of upland areas. If an area of wetlands equal to or greater than Maine Department of Environmental Protection Natural Resource Protection Act (NERPA) thresholds for development review is proposed for alteration, a copy of the NRPA permit shall be submitted prior to issuance of a building permit.
- C. Existing interior lots of record without any road frontage as of August 1, 2023, shall be eligible for a building permit, notwithstanding the absence of street frontage, providing the lot has a dedicated right-of-way (ROW) / Easement, meeting the standards of this Ordinance, to a City accepted street.
- D. All driveways serving the master lot and back lot shall be paved if the existing lot is already paved.

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

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E. Multiple dwellings or uses on one lot.

1. Except as permitted under Subsection 2 below, no more than one single-family or two-family dwelling may be located on a lot, except in the case of multiunit residential projects that meet all other applicable sections of this chapter.
2. A second single-family dwelling, or two-family dwelling in the same ownership as the first, may be located on a lot only if the street frontage requirement is met, and the placement of the buildings would allow division of the lot in conformance with the minimum lot and setbacks specified in Table B - Dimensional Requirements. An accessory dwelling unit (ADU) permitted under Article VI – Performance Standards, Section 78 Accessory Dwelling Units shall not be considered a single-family residence for purposes of this section.

City of Biddeford



2024.168 **IN BOARD OF CITY COUNCIL** on October 15, 2024
BE IT ORDERED, that the amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, as attached, are adopted as written.

October 15, 2024

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

November 7, 2024

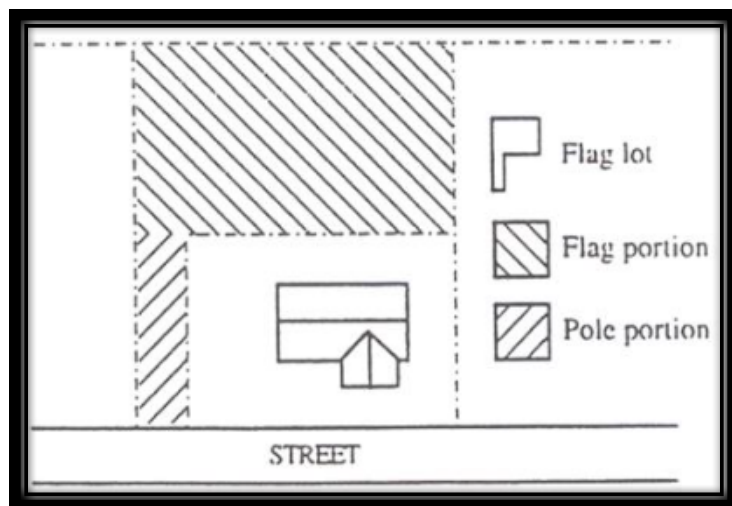
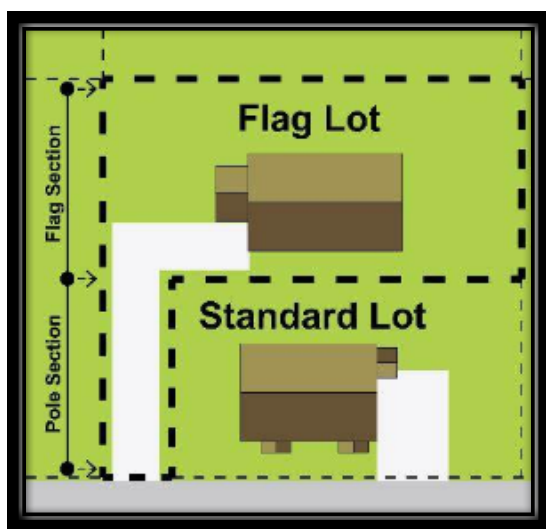
Attest by: _____

City of Biddeford
Re: Back Lot Ordinance Amendment

City Council Meeting: October 15, 2024 – First reading

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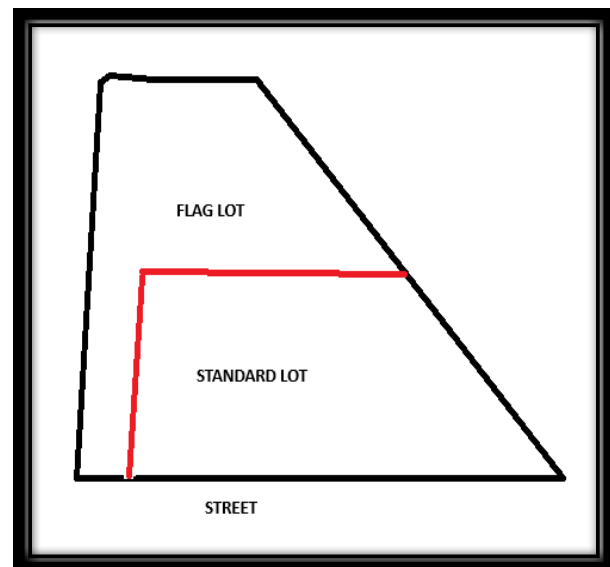
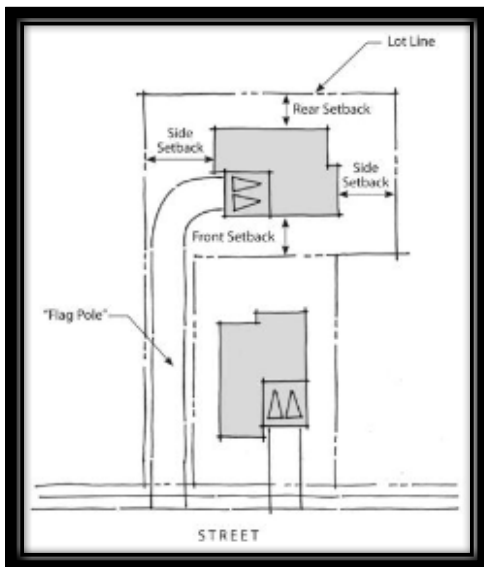
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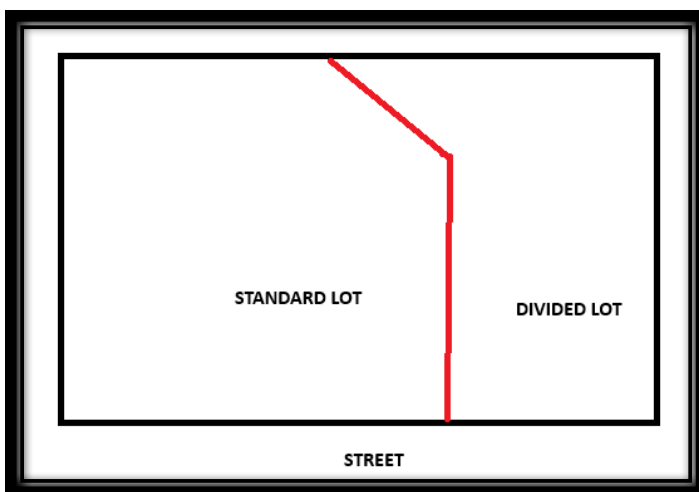
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vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

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Re: Back Lot Ordinance Amendment

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 - b) The access easement shall include provisions for snow removal, access maintenance, driveway replacement / reconstruction and maintenance responsibilities of each party of the lot division.
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City of Biddeford
Re: Back Lot Ordinance Amendment

City Council Meeting: October 15, 2024 – First reading

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10. The driveway shall be maintained in a passable condition, free of potholes, ruts, debris, snow, and shall not cause damage to municipal vehicles nor hinder emergency vehicle access.
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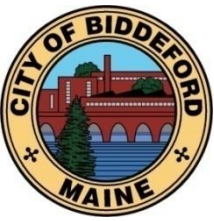
City of Biddeford
Re: Back Lot Ordinance Amendment

City Council Meeting: October 15, 2024 – First reading

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

E. Multiple dwellings or uses on one lot.

1. Except as permitted under Subsection 2 below, no more than one single-family or two-family dwelling may be located on a lot, except in the case of multiunit residential projects that meet all other applicable sections of this chapter.
2. A second single-family dwelling, or two-family dwelling in the same ownership as the first, may be located on a lot only if the street frontage requirement is met, and the placement of the buildings would allow division of the lot in conformance with the minimum lot and setbacks specified in Table B - Dimensional Requirements. An accessory dwelling unit (ADU) permitted under Article VI – Performance Standards, Section 78 Accessory Dwelling Units shall not be considered a single-family residence for purposes of this section.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

David C.M. Galbraith
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Planning Board Memorandum

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: September 25, 2024

RE: **Case # 2023.24 Back Lot Ordinance Amendment / Back Lot Ordinance, Article VI - Performance Standards, Section 7A - Back Lots.**

MEETING DATE: October 2, 2024

I. INTRODUCTION:

The proposed amendment was last discussed at the Board's September 18, 2024 meeting. As the Board may recall, on August 1, 2023 the City Council approved a new Back Lot Ordinance, which allowed property owners, to create a back lot, also called a "Flag Lot" due to the shape of said back lot (Flag = created lot and pole = access). The Planning Board recommended Ordinance to the City Council that included "Subsection 7" which stated:

"7. The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district".

When the Ordinance was before the City Council for final approval, the Council voted to eliminate the above language and the Ordinance ultimately was adopted by the Council. The Council's rationale was when dealing with divisions of this nature, some lots may be irregular in shape and in

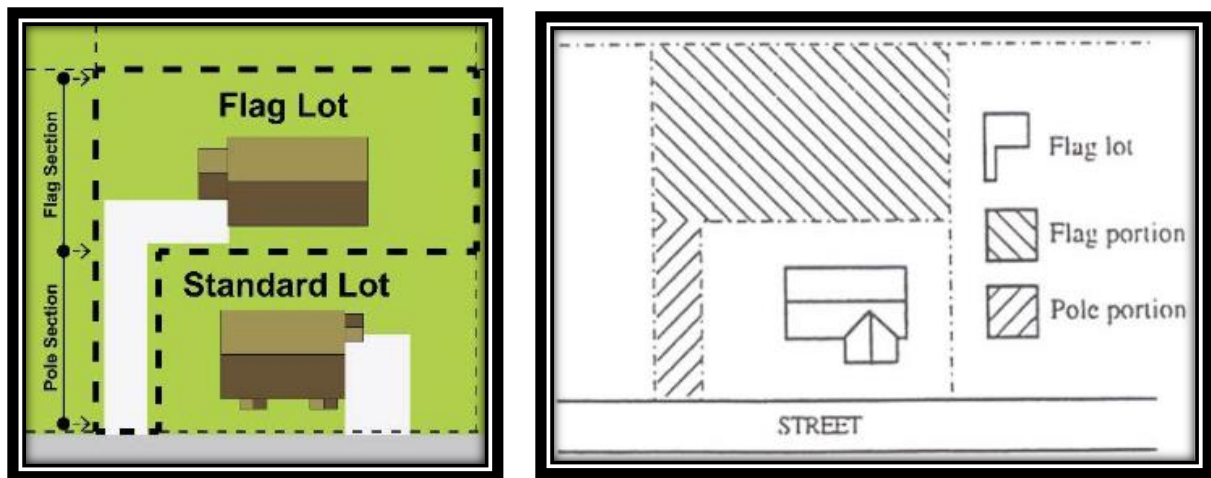


many cases the frontage is the widest part of the property and the remainder of the lot tapers in as you go deeper into the lot. However, due to the elimination of the above provision, a resident was able to meet the "back lot" regulations, and divide the lot so that the two lots were created side by side (similar to the above image), which was not the intent when the Back Lot Ordinance was created.

MEETING: Planning Board
Re: Ordinance Amendments to the City's Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

Due to this unintended “loop hole” Staff is seeking an amendment to the Ordinance which clearly states, and illustrates the Ordinance’s original intent. Since the last Board meeting Staff has modified the proposed Ordinance language and have included some graphics which illustrate the intent of the Ordinance to clarify for Staff and clients alike. The proposed language is shown below with new / proposed text shown in blue underlined. The proposed amendments do NOT include any deleted text, usually indicated in ~~red-strikethrough~~. The proposed changes are shown below:

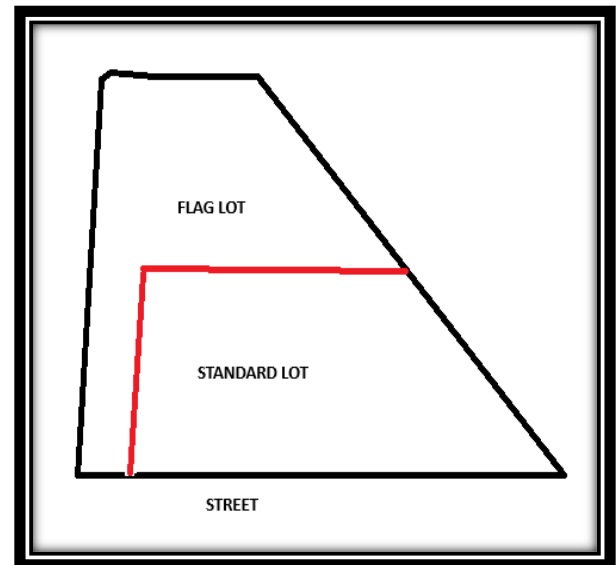
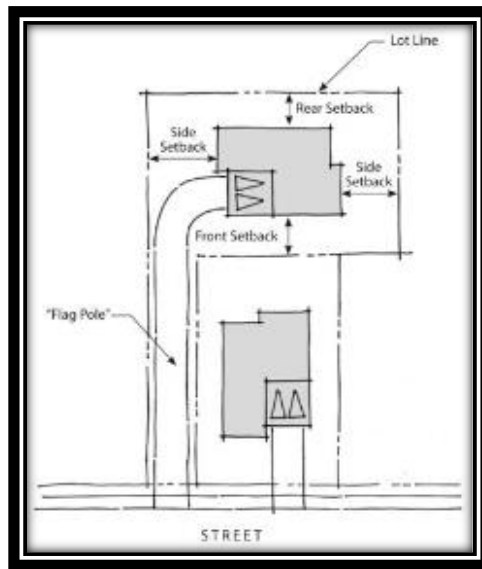
7. Back Lots / Flag lots shall comply with the following:
- A. The creation back lot is the division of the existing lot of record into two lots, where the front/standard lot is located in front of the created flag/back lot, as illustrated below.



- B. When creating a flag / back lot, the existing house may be located on either the flag lot, or the front lot, and the new house placed on the created vacant lot. The flag / back lot shall gain vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

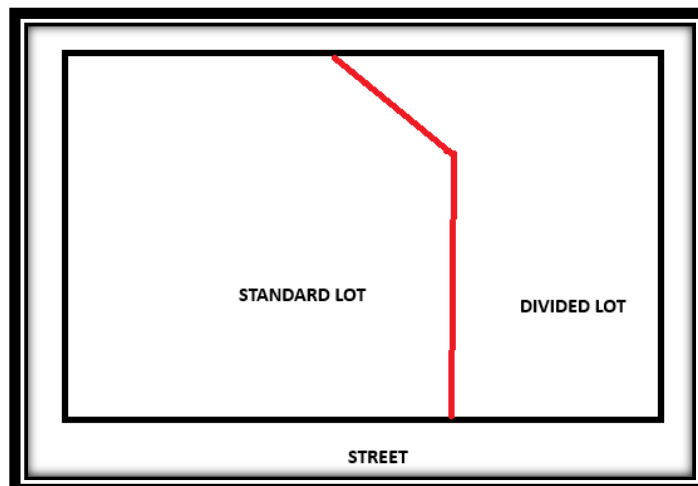
MEETING: Planning Board
Re: Ordinance Amendments to the City's Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

- C. The flag portion of the back lot shall be a minimum of 50% of the width, as measured at its front lot line, of the original lots existing street frontage. As illustrated below, the flag / back lot's front lot line is at least 50% of the existing street frontage. This is permitted when the lot is a slightly irregular shape and the existing street frontage is wider than that the rear of the lot.



Standard Flag Lot = Acceptable

Irregular Flag Lot with 50%+ frontage = Acceptable.



Example (Left): Proposed / divided lot with reduced frontage, not meeting minimum frontage requirements. Not a Flag lot and not permitted under this Ordinance. PROPOSED LOT = NOT ACCEPTABLE

Attached is a copy of the entire Back Lot Ordinance, with proposed text additions shown in [blue underline](#).

MEETING: Planning Board
Re: Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

II. SAMPLE MOTIONS:

A. *Motion to Approve the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, as written.*

B. *Motion to Table the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, for the following reasons:*

- 1. _____
- 2. _____
- 3. _____

C. *Motion to deny the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, for the following reasons:*

- 1. _____
- 2. _____
- 3. _____

ATTACHMENTS

- 1. Attachment # 1: City of Biddeford – Back Lot Ordinance with “in line” Ordinance Amendments



City Council

Meeting Date: November 7, 2024
Meeting Time: 6:00 PM
Agenda Item No: 10.b
Item Description: 2024.169 Approval Text Amendment Marijuana Establishments
Submitted By: David C.M. Galbraith, Deputy Director / City Planner

Supporting Information/Documentation:

20241015 Marijuana Establishments Setbacks - ORDER 2, 20241015 Section 77 Marijuana Establishments Setbacks Amendment - ORDINANCE DRAFT, 20240925 Planning Board Report Marijuana Setbacks - MEMO, 20240917 LaFountain Supporting Documents to Planning Board - REFERENCES

Key Terms:

Executive Summary:

The proposed Zoning Text Amendment was initiated by City Council President and Ward 7 Councilor LaFountain, and was forwarded to the Planning Board with the intent to:
"Implement a residential setback for Cannabis Grow Facilities. The aim is to mitigate negative impacts, such as odor, on local residents and properties near these facilities. Considering our current ordinance prohibits new marijuana establishments within 500 feet of another, I propose a minimum 500 ft. setback from any occupied residential unit as our starting point. (See Code of Ordinances: Part III Land Development Regulations, Article VI Performance Standards, Section 77, C)."

Detailed Review:

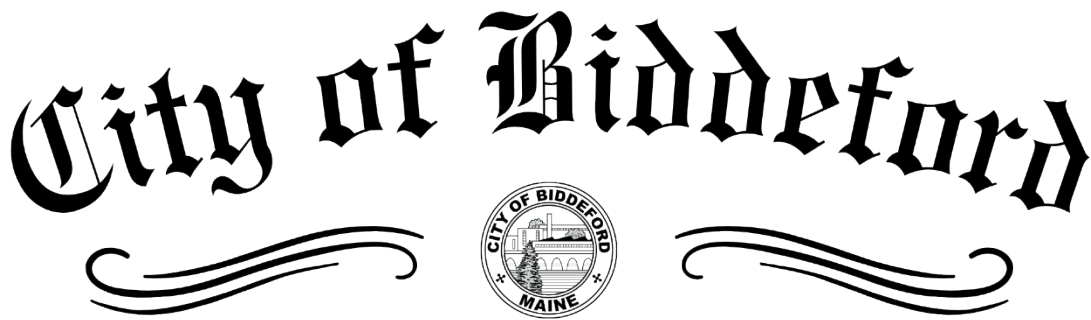
The Planning Board considered the proposed amendment, including supportive data and public hearing testimony and determined that the City should institute setback standards for marijuana uses from schools, public facilities, places of worship, residential zoned properties, residentially used properties, and childcare facilities. The proposed amendments also clarify how these proposed would be measured. When the Amendment was initially sent to City Staff we began with a 500' setback, but following Board deliberations and testimony from residents and marijuana operators, the Planning Board voted to increase the setback from the originally proposed 500' to 1,000'.

Funding Source:

No additional funding is required beyond Staff time.

Staff Recommendation:

The proposed Ordinance Amendment was forwarded to the Planning Board by the City Council. The Planning Board reviewed the proposed text amendments and were supportive of the changes as originally drafted, except for the proposed 500' setback from "sensitive uses". The Board then voted to increase the setback to 1,000'. Therefore, the Planning Board are recommending the City Council adopt the proposed Ordinance Amendment as written. Text deletions have been shown as ~~red-strikethrough~~ and new text has been shown as blue underlined text. Currently, Staff is seeking passage of the proposed setback standards between marijuana uses and "sensitive uses" as written.



2024.169

IN BOARD OF CITY COUNCIL on October 15, 2024

BE IT ORDERED, that the below amendments to the City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments, Section “C” be amended to the following:

C. Separation of marijuana establishments. Marijuana Establishments shall meet the minimum standards listed below, which may not be relaxed by variance or waiver:

- 1) No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment. This setback measurement shall be taken line from property line to property line.
- 2) No marijuana establishments shall be sited within ~~500~~ 1,000 feet of the lot lines of a public or private school. This measurement shall be taken from the school’s closest property line to the primary building entrance of the marijuana establishment.
- 3) No marijuana establishments shall be sited within ~~500~~ 1,000 feet of the lot lines of any public facility, place of worship, residential zone, residentially used property, or childcare facility. This measurement shall be taken from the property line of the above identified uses, to the primary building entrance of the marijuana establishment.

October 15, 2024

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

November 7, 2024

Attest by:_____

**Re: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford
Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance
Standards, Section 77 Marijuana Establishments.**

City Council 1st Reading

Date: October 15, 2024

Section 77 Marijuana establishments.

[Added 1-17-2017 by Ord. No. 2016.88; amended 1-19-2021 by Ord. No. 2021.1]

- A. All marijuana establishments shall be located indoors. Any common areas, including, but not limited to, storage areas and building facilities, shared with another marijuana establishment shall be clearly identified as such on the site plan or conditional use application.
- B. Odor management. For all marijuana establishments, the odor of marijuana shall not be detectable off-premises, meaning not detectable on any property that is not under the control of the establishment. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:
 - 1. A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information.
 - 2. A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.
 - 3. For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.
 - a. Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.
 - b. Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.

**Re: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford
Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance
Standards, Section 77 Marijuana Establishments.**

City Council 1st Reading

Date: October 15, 2024

Marijuana establishments shall implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

- c. Noxious gases and fumes. Marijuana establishments shall have appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the establishment. Gases or fumes shall not extend beyond the premises of any establishment, meaning not detectable on any property that is not under the control of the establishment.
- d. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment shall be provided at all times.
- e. All marijuana and marijuana by-products intended for disposal shall be stored indoors in a self-contained room that is intended solely for this purpose and in accordance with all applicable federal, state and local laws and regulations. When moving material from the self-contained storage room for disposal, marijuana and marijuana by-products shall be moved only in receptacles with a cover or lid. Security cameras shall be installed to record activities in the area of the storage room as well the areas between the storage room and where said material is loaded onto vehicle(s) for disposal.

C. Separation of marijuana establishments. [Marijuana Establishments shall meet the minimum standards listed below, which may not be relaxed by variance or waiver:](#)

- 1) No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment. [This setback measurement shall be taken line from property line to property line.](#)
- 2) [No marijuana establishments shall be sited within ~~500~~ 1,000 feet of the lot lines of a public or private school. This measurement shall be taken from the school's closest property line to the primary building entrance of the marijuana establishment.](#)

**Re: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford
Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance
Standards, Section 77 Marijuana Establishments.**

City Council 1st Reading

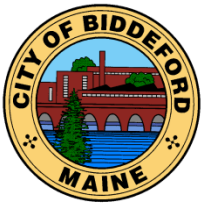
Date: October 15, 2024

- 3) No marijuana establishments shall be sited within ~~500~~ 1,000 feet of the lot lines of any public facility, place of worship, residential zone, residentially used property, or childcare facility. This measurement shall be taken from the property line of the above identified uses, to the primary building entrance of the marijuana establishment.

D. Odor disobedience process. Any licensed operator who receives multiple, legitimate complaints for the cannabis odor emitted by their business may be unable to renew their business license and therefore also may become unable to operate within the City of Biddeford.

[Added 12-19-2023 by 2023.146]

1. First complaint. The Office of Code Enforcement will review the complaint and current odor abatement plan. The operator will have 30 days to address the problem and come up with a solution, after which they will have another 60 days to fix the issue(s).
2. After these initial 90 days, the business should stay complaint free. If another complaint is made, they will have another 90 days to address and fix the issue.
3. If three complaints are made throughout the licensed year, the operator will need to update their odor abatement plan, go through the site plan review process, and may not be granted a renewed license.
4. If the operator's license is up for renewal within the 90 days of a complaint, the City may offer an extension or temporary license to allow for proper reconditioning of the odor abatement system.



CITY OF BIDDEFORD

Planning and Development Department

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David.Galbraith@biddefordmaine.org

PLANNING BOARD STAFF REPORT

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director/City Planner

DATE: September 25, 2024

RE: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments.

MEETING DATE: October 2, 2024 at 6:00 PM

I. INTRODUCTION:

This Ordinance was last discussed at the Boards August 21, 2024 meeting. The proposed Zoning Text Amendment was initiated by City Council President and Ward 7 Councilor Liam LaFountain (Councilor LaFountain). The proposed amendment relates to establishing more defined setbacks of marijuana / cannabis growing facilities which would require amendment to the City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments. As outlined by Councilor LaFountain the proposed Ordinance amendment would:

“Implement a residential setback for Cannabis Grow Facilities. The aim is to mitigate negative impacts, such as odor, on local residents and properties near these facilities. Considering our current ordinance prohibits new marijuana establishments within 500 feet of another, I propose a minimum 500 ft. setback from any occupied residential unit as our starting point. (See Code of Ordinances: Part III Land Development Regulations, Article VI Performance Standards, Section 77, C).”

At the August 21, 2024 meeting, the Board tabled the proposed amendment as they sought clarification from Council President and Ward 7 Councilor LaFountain. Following the meeting Staff reached out to Councilor LaFountain who provided a detailed overview of the reasoning behind the proposed amendment. The submitted overview and supporting documents were provided to the Board and are part of the supporting documentation enclosed within the Planning Board Packet. Following receipt of Councilor LaFountain’s informational packet, Staff modified the proposed Ordinance Amendment to better reflect the intent of the proposed amendment. A copy of the entire Marijuana Ordinance, with the proposed “in-line” changes has been provided.

II. DRAFT AMENDMENT:

The request to draft an amendment of this nature was forwarded to the Planning Department and developed the below draft amendment. As currently written, Article 77, C states:

C. Separation of marijuana establishments. No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment.

Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments.
Hearing Date: October 2, 2024

Below is Staff’s proposed amendment to the above language (to keep all setback standards under the same subsection) of “C”. The proposed text additions are shown in blue underline, and there are currently no proposed text deletions, as usually identified with ~~red strikethrough~~. The proposed text amendment is below:

C. Separation of marijuana establishments. Marijuana Establishments shall meet the minimum standards listed below, which may not be relaxed by variance or waiver:

- 1) No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment. This setback measurement shall be taken line from property line to property line.

- 2) No marijuana establishments shall be sited within 500 feet of the lot lines of a public or private school. This measurement shall be taken from the school’s closest property line to the primary building entrance of the marijuana establishment.

- 3) No marijuana establishments shall be sited within 500 feet of the lot lines of any public facility, place of worship, residential zone, residentially used property, or childcare facility. This measurement shall be taken from the property line of the above identified uses, to the primary building entrance of the marijuana establishment.

III. SECTION 77 MARIJUANA ESTABLISHMENTS: Below is a link to the City’s Marijuana Establishment Ordinance:

<https://ecode360.com/31970024?highlight=&searchId=4386540208712007#31970024>

IV. SAMPLE MOTIONS:

- I. Motion to approve: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments, as written.

- II. Motion to Table: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments., based upon the following reasons:

a)_____

Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments.
Hearing Date: October 2, 2024

- b) _____
- c) _____

III. Motion to deny the Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments., based upon the following reasons:

- a) _____
- b) _____
- c) _____

Galbraith, David

From: LaFountain, Liam
Sent: Tuesday, September 17, 2024 7:01 AM
To: Angers, Roch; Beaudette, Stephen; Deschambault, Susan; Plotkin, Alexa; Dubois, Matthew
Cc: Patoine, Larry; Galbraith, David
Subject: Information on Proposed Marijuana Establishments Ordinance Amendment
Attachments: Proposed Marijuana Zoning Ordinance Letter.pdf

Dear Members of the Biddeford Planning Board,

I hope you are doing well.

Following your meeting on August 21, 2024, and after discussions with your Chair, I am providing a detailed letter to offer further context on the proposed amendment to the Marijuana Establishments ordinance, as requested. In summary, this proposed amendment arises from ongoing conversations and requests from constituents in Ward 7.

Please find the attached letter for your review. I appreciate your consideration and am available for any further information you might need.

Thank you for your dedication to our city.

Best,
Liam

Liam LaFountain (he/him)
Biddeford City Council, Ward 7

NOTICE: Under Maine's Freedom of Access (Right to Know) Law, documents, including emails, in the possession of public officials about City business are classified as public records. This means if anyone asks to see them, we are required to provide them. There are very few exceptions. We welcome citizens' comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and could show up in the media.

TO: Biddeford Planning Board

FROM: Liam LaFountain, City Councilor, Ward 7

DATE: August, 30, 2024

RE: Proposed Amendment to Marijuana Establishments Ordinance

Dear Members of the Biddeford Planning Board,

Thank you for your insightful discussion during the [Planning Board meeting on August 21, 2024](#). This letter attempts to address some of the questions and comments raised about the proposed amendment to the *City's Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments*. At the request of Planning Board Chair Mr. Patoine, I am providing this letter with background and context on the proposal to aid in your deliberations.

Background for the Proposed Zoning Amendment

The proposed amendment was prompted by feedback from several constituents in Ward 7, who began contacting me in July 2023. These residents raised concerns about the impact of marijuana establishments on their neighborhood, particularly regarding odor and traffic. They were surprised by the closeness of these establishments to residential homes and suggested that the current ordinance may not adequately address the impacts of such proximity.

These residents recognize that the initial zoning decision for conditional marijuana establishments in the I1, I2, and I3 zones aimed to minimize residential impacts. However, they believe the ordinance could be better tailored to address the specific needs of those living in and directly adjacent to these zones. The proposed amendments seek to refine, not reverse, existing regulations by incorporating these constituent experiences to prevent future conflicts between marijuana establishments and residential areas. While Biddeford has updated its odor control ordinances in response to complaints, this proposal emphasizes a proactive approach with clear setbacks designed to further reduce the likelihood of odor issues and related impacts.

Rationale for the 500-Foot Setback

The rationale behind the proposed 500-foot setback is grounded in both local precedent and broader municipal practices. Currently, Biddeford's ordinance requires a 500-foot separation between marijuana establishments. This existing standard was implemented to provide a reasonable distance for identifying which establishment might be responsible for an odor complaint under the city's odor ordinance.

Similar reasoning could be applied to residential properties. While the initial constituent request focused solely on residential properties, considering setbacks for other sensitive uses—such as schools, public facilities, places of worship, and others may be worth considering. Existing state law, specifically [28-B M.R.S. § 402\(2\)](#); [22 M.R.S. § 2428\(6\)\(B\)](#), stipulates that municipalities may not authorize the operation of a cannabis

establishment within 1,000 feet of the property line of a preexisting public or private school. However, municipalities can, by ordinance, reduce this distance to no less than 500 feet. This state law reflects a recognition of the role of setbacks in reducing the impact of cannabis facilities on sensitive locations.

In examining the practices of other municipalities, setbacks are a common tool among to manage the proximity between marijuana establishments and residential or sensitive areas. Examples include [Bangor \(300 feet\)](#), [Eliot \(500 feet\)](#), [Lewiston \(100 feet\)](#), and [Portland \(300 feet\)](#). Additionally, the neighboring municipality of Saco requires marijuana establishments to be set back [500 feet from schools and daycare facilities](#). This list is not exhaustive. For more detailed context, please refer to Appendix A from [Richard Spencer, Esq.'s memo](#), prepared for a 2021 Land Use Planning Commission public hearing, which may aid your deliberations.

Consideration of Setback Measurements

Setback measurement methods vary by municipality. Lewiston's approach, for instance, measures the buffer from the residential property line to any portion of the marijuana business, ensuring a direct separation between residential properties and marijuana establishments.

This approach could more accurately reflect the impact on residents, especially regarding odors and other nuisances that might be more noticeable in outdoor areas of the residential property. Measuring setbacks from the residential property line to the marijuana establishment's building may offer a balanced compromise between property line-to-property line and door-to-door measurement methods.

Conclusion

The proposed amendment aims to refine Biddeford's current ordinance to better prevent conflicts between marijuana establishments and residential or sensitive areas, striving for a balance that respects the interests of both Biddeford residents and business owners. Thank you for your consideration and valuable expertise on this matter. Should you need further information from me, please do not hesitate to contact me. I look forward to your feedback and recommendations.

With gratitude,
Liam

Liam LaFountain
City Councilor, Ward 7
liam.lafountain@biddefordmaine.org

COMMENTS RECEIVED FOR PROPOSED RULE REVISIONS:

CITIZENS' PETITION TO PROHIBIT CERTAIN MARIJUANA USES

IN THE D-GN2 SUBDISTRICT

Part 3 of 3

The following pages compile written comments filed with the Maine Land Use planning Commission regarding the Citizens' Petition to prohibit certain marijuana uses in the D-GN2 subdistrict.

Rebuttal Comments: (Information or viewpoints that refute, contest, correct, or otherwise counter comments submitted during the comment period.) The deadline for submissions in rebuttal to prior comments is **August 2, 2021**. Rebuttal comments will be posted on the LUPC's rulemaking webpage (www.maine.gov/dacf/lupc/laws_rules/proposed_rules/rules.shtml) shortly thereafter.

[NOTE: Because personally identifiable information (PII)¹ can be used to conduct fraud (e.g., steal a person's identity), signatures and physical or mailing addresses have been redacted from these materials.]

¹ Information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. [U.S. Dept. of Labor, www.dol.gov/general/ppii]

APPENDIX A

Maine Municipal Zoning and Regulatory Framework for Marijuana Cultivation and Manufacturing

*The table, below, provides a sampling of how Maine municipalities zone and regulate marijuana cultivation and manufacturing uses.
Note: This list is not exhaustive.*

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Auburn	(1) Marijuana cultivation and manufacturing are permitted uses in the Industrial District; (2) Marijuana cultivation is a permitted use in the Agriculture and Resource Protection District (manufacturing only allowed if accessory to licensed cultivation site in this zone); (3) Marijuana cultivation is a permitted use in the General Business District (but only if accessory to a retail use); (4) Marijuana cultivation is a permitted use in the Minot Avenue (GBII) District (but only if accessory to a retail use)	(1) 750 feet from schools; (2) 1,000 feet from other marijuana businesses, but not applicable to cultivation or manufacturing facilities in the Industrial Zoning District specifically	City of Auburn Code of Ordinances, Chapter 60, Article IV – District Regulations; Article XVIII, Section 14-659
Bangor	Permitted uses in (1) Urban Industry District; (2) Industry and Service District	(1) 1,000 feet from, or on the other side of a controlled access highway from, the real property comprising any public or private elementary or secondary school or school dormitory, juvenile shelter, orphanage, public playground, or public park; (2) 300 feet from, or on the other side of a controlled access highway from, any church, chapel, parish house, other place of worship, day care, or dwelling on a residential parcel, measured by a straight line from building to building	City of Bangor Code of Ordinances, Part II, Chapter 165, Article XIII, Sec. 165-96; Article XIV, Sec. 165-102
Biddeford	Conditional uses in the Industrial zones (I-1, I-2, I-3)		Code of Ordinances of the City of Biddeford, Part III, Article V, Table A (available here)
Bridgton	Permitted uses in: (1) Inner Corridor District; (2) Outer Corridor District	(1); 1,000 foot buffer from schools, safe zones, churches or other houses of worship; (2) 100-foot	Town of Bridgton Land Use Ordinance, Article II, Section 2

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
		buffer from residential uses; (3) 300-foot buffer from other marijuana businesses	Town of Bridgton Site Plan Review Ordinance, Article XI, Section 4
Brunswick	Conditional use in the Growth Industrial District	500 feet from schools	Brunswick Zoning Ordinance, Chapter 3 - Property Use Standards Section 3.2 - Growth Area Permitted Use Table
Eliot	Site plan review (SPR) use in the Commercial and Industrial District	500 feet from the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility	Eliot Code of Ordinances, Subpart B, Chapter 33, Sec. 33-189; Sec. 33-190
Gorham	Permitted use in the following zones: (1) Industrial District; (2) Olde Canal Industrial District; (3) Rural District when inside an existing agricultural building	750 feet from schools	Gorham Land Use and Development Code, Chapter 1, Section 1; Town of Gorham Adult-Use and Medical Marijuana Licensing Ordinance
Greenville	Larger scale cultivation facilities and manufacturing facilities are prohibited in the downtown districts	(1) 1,000 feet (500 feet instead for tier 1 cultivation facilities only) from: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or f) a licensed day care facility. (2) 500 feet from the boundaries of any land use district where these uses are prohibited for the largest category of cultivation/manufacturing (Tier 2 Manufacturing Facilities and Tier 4 Cultivation Facilities)	Land Use Ordinance for the Town of Greenville, Article V, Table V-1; Town of Greenville Marijuana Establishments Ordinance, Adopted November 3, 2020, available here: https://greenvilleme.com/wp-content/uploads/Greenville-Marijuana-Establishments-Ord.-11.3.2020-1.pdf
Lewiston	Permitted uses in zones categorized as "Industrial" in land use table: (1) Highway Business; (2) Office Service; (3) Industrial; (4) Urban Enterprise; (5) Mill	(1) 750 feet from schools and public parks, playgrounds, or recreational facilities owned by the City; (2) 300 feet from a dwelling in a residential zoning district; (3) 500 feet between marijuana stores	City of Lewiston Code of Ordinances, Appendix A: Zoning & Land Use Code, Article IX; Chapter 22, Article XV, Sec. 22-430

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Orono	(1) Cultivation allowed in Forestry & Agriculture (F&A), Commercial-1 (C-1), and Economic Development Zone (EDZ) zones; (2) manufacturing allowed in C-1 and EDZ zones (all classified as industrial zones)	(1) 1,000 feet from a school or other educational facility; (2) 1,000 feet from any child-care or day-care facility; (3) 500 feet from a university	Orono Land Use Ordinance to Implement Standards for Marijuana Establishments (codified version not yet available online)
Portland	Permitted uses in the B-4 zone and Industrial zones (I-L/I-Lb, I-M/I-Mb, I-H/I-Hb)	(1) 500 feet from schools; (2) 300 feet from the following residential zones: R-1, R-2, R-3, R-4, R-5/R-5A, R-6/R-6A, or R-7.	City of Portland Land Use Code, Chapter 14, Article 6, Table 6-C, 6-E City of Portland Land Use Code, Chapter 14, Article 6, Section 6.4.10(B))
Presque Isle	(1) Cultivation allowed in industrial (I), light industrial (LI) and agricultural farming/forestry (AFF) zones; (2) manufacturing allowed in business (B), industrial (I), light industrial (LI), and agricultural farming/forestry (AFF) zones	(1) 1,000 feet from schools; (2) 150 feet from other marijuana businesses, churches, pre-schools, day cares, and community centers (cultivation and manufacturing facilities in the industrial zones exempt from this setback)	City of Presque Isle Municipal Ordinances, Chapter 59-A, Adult Use and Medical Marijuana Business Ordinance, Section J; land use chart
Saco	Medical marijuana caregivers only allowed in the Business-Industrial District and Industrial District	500 feet from schools/daycares	City of Saco City Code Chapter 230, Table 3-3; Sec. VIII.2
Waterville	(1) Cultivation facilities allowed in the Rural Residential (R-R), Commercial-C (C-C), General Industrial (I) and Airport Industrial (AI) zoning districts; (2) Extraction facilities allowed in the General Industrial (I) and Airport Industrial (AI) zoning district.	500 feet from schools, places of religious worship, daycares, recreational areas designated for use by children up to eighteen (18) years of age, areas designated as municipal safe areas.	City of Waterville Marijuana Ordinance, Article VI

APPENDIX B

Municipalities Prohibiting Marijuana Cultivation and Manufacturing Facilities⁷ from Downtown and/or Residential Zones

- | |
|------------------|
| 1. Auburn |
| 2. Bangor |
| 3. Biddeford |
| 4. Boothbay |
| 5. Bridgton |
| 6. Brunswick |
| 7. Damariscotta |
| 8. Eliot |
| 9. Gorham |
| 10. Greenville |
| 11. Lewiston |
| 12. Orono |
| 13. Portland |
| 14. Presque Isle |
| 15. Saco |
| 16. Scarborough |
| 17. Topsham |
| 18. Waterville |
| 19. Wilton |
| 20. Windham |

⁷ This list is not exhaustive and does not include small-scale, home-based operations as discussed *supra*, Section. III.



City Council

Meeting Date: November 7, 2024

Meeting Time: 6:00 PM

Agenda Item No: 10.c

Item 2024.171 Approval Amend Table B Dimensional Requirements

Description:

Submitted By: David C.M. Galbraith, Deputy Director of Planning & Development / City Planner

Supporting Information/Documentation:

20241015 Final Draft 1Table B -Amendments - DRAFT ORDINANCE, 2024.171 Amendment
Density Bonus Table B Notes - ORDER 2, 20240912 Planning Board Bonus Density - MEMO

Key Terms:

N/A

Executive Summary:

In April 2024, the Biddeford City Council approved corrections to the Bonus Density language to align with the Council's intentions from November 2023 Council vote. During the preparation for the April City Council meeting, staff identified inconsistencies and unintended obstacles to the practical use of the Bonus Density options. As a result, the following changes are being presented for consideration to improve and align the Bonus Density options within the City's Ordinances.

Detailed Review:

The proposed amendments to the Notes for Table B in Biddeford's Land Development Regulations focus on refining and clarifying the Affordable Housing Development Density Bonus. Key changes include:

1. Expanding the focus from just "condominium forms of housing" to "affordable forms of ownership and rental housing" to broaden the scope of affordable housing options.
2. Introducing a choice between two density bonus calculations: 2.5 times the base density or one unit per 500 square feet of existing gross building living space, whichever yields more affordable units.

3. Establishing clearer long-term affordability requirements, including a 30-year restrictive covenant for both rental and owned housing units.
4. Adjusting income thresholds for affordable units: 80% of area median income for rentals and 120% for owned units.
5. Refining parking requirements to a maximum of two spaces for every three affordable housing units, reducing the minimum parking burden on affordable developments.
6. Streamlining the review process, with projects of eight or fewer units reviewed by the Staff Review Committee and larger projects by the Planning Board.
7. Applying standards for both redevelopment of existing structures and development of vacant land.
8. Clarifying requirements for condominium conversions and developments under the density bonus program.

Funding Source:

N/A

Staff Recommendation:

The proposed Ordinance Amendment is being returned to the City Council by Staff, with a recommendation from the Planning Board, to adopt the proposed amendment, as written.

These changes aim to create a more flexible, comprehensive, and effective framework for incentivizing affordable housing development in Biddeford while ensuring long-term affordability and appropriate oversight while keeping in line with the requirements of Maine Statute. Proposed text is identified by blue underline and text deletions are shown in ~~red strikethrough~~. The proposed Ordinance language is attached.

Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements,
NOTES for Table B be amended as follows:

- B. In order to promote affordable forms of ownership and rental housing ~~condominium forms of housing and affordable housing~~ in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, an Affordable Housing Development Density Bonus ~~the density requirements~~ may be relaxed-granted as follows:

1. Redevelopment of **Existing Structures.**

- a) The Planning Board, or other appropriate approval authority, shall consider granting an Affordable Housing Development Density Bonus of either 2.5 times the base density otherwise allowed in the zone or density bonus of one residential unit for every 500 square feet of gross building living space floor area, excluding unfinished basements, within an existing structure, whichever yields a greater number of affordable units, provided the applicant presents redevelopment/renovation plans to the Code Enforcement Officer for review and approval. demonstrating how the redevelopment project will result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
- b) If the project is provided an Affordable Housing Development Density Bonus density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
- c) The proposed developer provides capacity to serve verification in writing from public water and city sewer utilities, if applicable.
- d) The developer provides in writing certification of that at least 51% of the total units resulting from the project will have Long-Term Affordability as follows:
 1. Prior to granting a certificate of occupancy or other final approval of an the aAffordable hHousing dDevelopment, a municipality must require that the owner of the aAffordable hHousing dDevelopment shall (a) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (b) record the restrictive covenant in the appropriate registry of deedsYork County Registry of Deeds to ensure that for at least thirty (30) years after completion of construction:
 - i. For Rental Housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy and the amount of rent (including utilities) will not exceed 30% of the household's monthly income; and
 - ii. For eOwned hHousing, occupancy of all units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy and the amount of housing costs (mortgage payments including condominium/HOA fees,

mortgage insurance, other insurance and real estate taxes) will not exceed 30% of the household's monthly income.

b) —

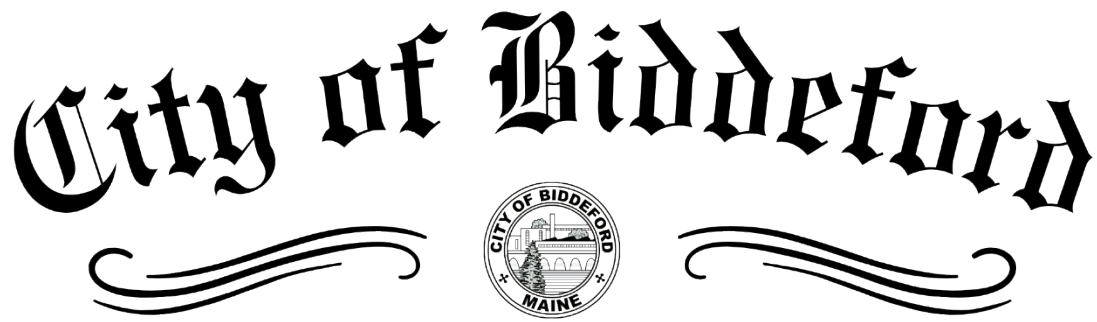
~~e)e)~~ An applicant provided a density bonus for rental housing shall enter into a thirty-year contractual agreement with the City of Biddeford requiring that at least 51% of units created shall be leased such that they do not exceed 70% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. ~~Rent Deed~~-restricted units will be annually monitored by the Planning and Development Department for contract affordability compliance.

~~d)f)~~ For projects proposing to demolish and rebuild an existing building, the existing approved density may be re-utilized within the redevelopment.

2. Affordable Housing Development Density Bonus Review Process. Expansions of low/moderate income (LMI) projects shall be reviewed as follows: Applications for an Affordable Housing Development Density Bonus will be reviewed as follows:
 - a) Where use of the Affordable Housing Development Density Bonus results in expansions of affordable housing units under this provision are being utilized, up to a maximum of eight or fewer units being created, the shall be reviewed and approved will be performed by the City's Staff Review Committee (SRC). Projects exceeding eight units shall be reviewed by the Planning Board for site plan and subdivision review.
 - b) Parking standards for affordable Affordable housing Housing Developments projects of this nature shall provide be a minimum of no more than one two parking spaces for every two three low/moderate income (LMI) housing units created. For units exceeding the low/moderate income (LMI) that are not deed restricted for long-term affordability threshold, parking shall be provided as required within the City's parking standards.
3. **Vacant Land Development.** For vacant lots located within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, utilizing the Affordable Housing Development density Density bonus-Bonus, the standards within Section B1 and B2 above for low/moderate-income (LMI) housing developments may increase the base density by up to a multiple of 2.5 times of the particular zoning district where the lot is located apply.
4. The developer may elect to utilize either the 500 square feet of gross building living space floor area calculation outlined in subsection B.1.a, or increasing-increase the base density by up to a multiple of 2.5, as outlined in subsection B.3, providing it equates to more affordable housing being provided.
5. **Condominium Conversions/Development.**
 - a) A property may be proposed for redevelopment/renovation from apartments into condominiums utilitizing the Affordable Housing Development Density Bonus in accordance with B1 above.

- b) An applicant provided a n Affordable Housing Development -dDensity
~~bonus~~Bonus for condominiums shall meet the standards set forth in
B(1)(d)(1)(ii) above. Applicant will also enter into a contractual
agreement with the City of Biddeford obligating them to complete the
project as condominiums to be offered for sale upon or before
completion of the project in return for receiving the ~~density~~Density
~~bonus~~Bonus. The contractual agreement shall be recorded at the York
County Registry of Deeds, a copy of which shall be provided to the Code
Enforcement Office prior to the issuance of any building permits.
- c) ~~The applicant agrees that if the project is converted to condominiums,~~
~~said units shall not be sold for a price that exceeds 125% of the York~~
~~County median home price affordable to median income households as~~
~~set annually by HUD for the City of Biddeford.~~

[WG1]



2024.171

IN BOARD OF CITY COUNCIL on October 15, 2024

BE IT ORDERED that an amendment to Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B, clarifying how low-income housing density bonuses are to be calculated, be adopted as written.

October 15, 2024

Motion: Councilor LaFountain

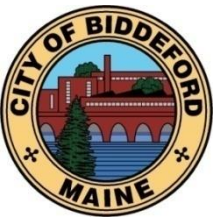
Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed

November 7, 2024

Attest by: _____



CITY OF BIDDEFORD

PLANNING DEPARTMENT

David C.M. Galbraith
Deputy Director/City Planner
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Planning Board Memorandum

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: September 12, 2024

RE: **Amendments to Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B**

MEETING DATE: September 18, 2024

1. INTRODUCTION:

In April 2024, the Biddeford City Council approved corrections to the Bonus Density language to align with the Council's intentions from November 2023 Council vote. During the preparation for the April City Council meeting, staff identified inconsistencies and unintended obstacles to the practical use of the Bonus Density options. As a result, the following changes are being presented to the Biddeford Planning Board for consideration to improve and align the Bonus Density options within the city's ordinances:

A. Summary of Changes to Table B Notes

The proposed amendments to the Notes for Table B in Biddeford's Land Development Regulations focus on refining and clarifying the Affordable Housing Development Density Bonus. Key changes include:

1. Expanding the focus from just "condominium forms of housing" to "affordable forms of ownership and rental housing" to broaden the scope of affordable housing options.
2. Introducing a choice between two density bonus calculations: 2.5 times the base density or one unit per 500 square feet of existing gross building living space, whichever yields more affordable units.
3. Establishing clearer long-term affordability requirements, including a 30-year restrictive covenant for both rental and owned housing units.
4. Adjusting income thresholds for affordable units: 80% of area median income for rentals and 120% for owned units.
5. Refining parking requirements to a maximum of two spaces for every three affordable housing units, reducing the minimum parking burden on affordable developments.

MEETING: Planning Board
TOPIC: Bonus Density Amendment: NOTES for Table B
MEETING DATE: September 18, 2024

6. Streamlining the review process, with projects of eight or fewer units reviewed by the Staff Review Committee and larger projects by the Planning Board.

7. Applying standards for both redevelopment of existing structures and development of vacant land.

8. Clarifying requirements for condominium conversions and developments under the density bonus program.

These changes aim to create a more flexible, comprehensive, and effective framework for incentivizing affordable housing development in Biddeford while ensuring long-term affordability and appropriate oversight while keeping in line with the requirements of Maine Statute.

B. Proposed amendments: (Attached)

C. SAMPLE MOTIONS:

- I. **Motion to approve** the proposed amendments to the Biddeford Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B.
- II. **Motion to Table** the proposed amendments to the Biddeford Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B



City Council

Meeting Date: November 7, 2024

Meeting Time: 6:00 PM

Agenda Item No: 11.a

Item Remove from Table 2024.170 Approval Amend Ordinance Inclusionary Zone

Description:

Submitted By: David C.M. Galbraith, Deputy Director of Planning & Development / City Planner

Supporting Information/Documentation:

20241015 2024.170 Inclusionary Zoning Amendment I3 - ORDER, 20241015 Section 40
Inclusionary zoning Amendment - ORDINANCE DRAFT, 20240910 Planning Board Inclusionary
Zoning Ordinance Amendment - MEMO

Key Terms:

N/A

Executive Summary:

This proposed zoning amendment is best described as a “housekeeping” amendment. On August 20, 2024 the City Council approved an amendment to the City’s Code of Ordinances; Part III: Land Development Regulations; "Table A- Table of Land Uses" to allow multi-family residential developments within the I-3 Zoning District, with conditions. One of the adopted conditions requires any multi-family development to adhere to the standards of the Inclusionary Zoning (IZ) Standards (Section 40). The proposed amendment to the IZ Ordinance is to include the I-3 Zoning District as an area that must comply with the established IZ standards.

Detailed Review:

On August 20, 2024, the City Council, following Planning Board review and recommendation, approved an amendment to the City’s Code of Ordinances; Part III: Land Development Regulations; "Table A- Table of Land Uses" to allow multi-family residential developments within the I-3 Zoning District, with conditions. One of the Conditions adopted requires any multi-family development, within the I-3 zone, to adhere to the standards of the Inclusionary Zoning Standards (Section 40). This proposed amendment is being made to make the IZ Ordinance consistent with the recently approved amendment to City’s Code of Ordinances; Part III: Land Development Regulations; "Table A- Table of Land Uses", which allows multi-family

residential developments within the I-3 Zoning District. The amendment is characterized as "housekeeping".

Although the amendment to "Table A" specified that developments of this nature must comply with the Inclusionary Zoning standards, this amendment is needed to make the Ordinances consistent. The proposed amendment is within the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ), Section D – Ensuring workforce housing, Subsection 1 to be modified to include the I-3 Zoning District as an identified zoning district where the Inclusionary Zoning standards apply. Proposed text is identified by blue underline and text deletions are shown in ~~red strikethrough~~. The proposed Ordinance language is below:

D. Ensuring workforce housing.

-

- 1. Purpose. Based on the City Council adoption of the 2023 City's Comprehensive Plan and the Mayor Affordable Housing Task Force Report dated December 2022, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of City of Biddeford citizens. This ordinance shall regulate properties located within the City's MSRD1, and MSR3, and I-3 Zoning Districts.*

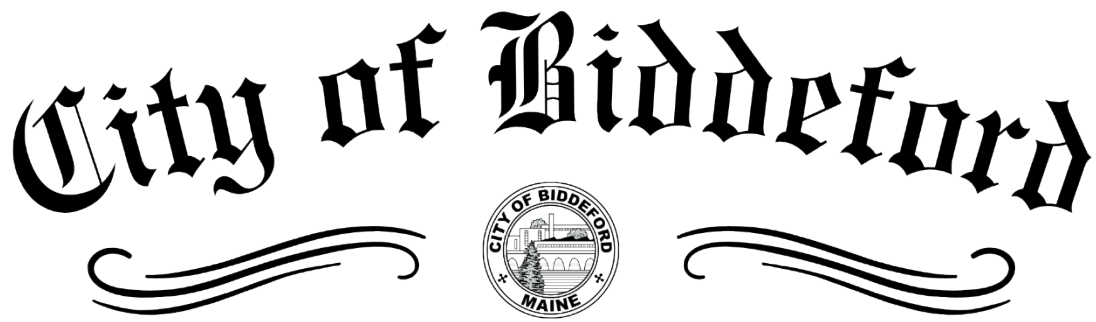
Funding Source:

N/A

Staff Recommendation:

The proposed Ordinance Amendment is being forwarded to the City Council by Staff, with a recommendation from the Planning Board, to adopt the proposed amendment, as written, as it seeks to update the City's Inclusionary Zoning (IZ) Ordinance to be consistent with the Council's recent amendment to "Table A" which permitted multi-family housing within the I-3 zoning district.

It should be noted that the IZ Ordinance as adopted included a "scriber's error" in subsection 3.b. which is proposed to be corrected at this time. The correction is shown on page #3 of 4 and highlighted in red on the attached Inclusionary Zoning Ordinance.



2024.170 IN BOARD OF CITY COUNCIL on October 15, 2024

BE IT ORDERED, to Amend the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – **Inclusionary Zoning (IZ)**, Section D – Ensuring workforce housing, Subsection 1 to be modified to include the I-3 Zoning District to the identified zoning districts where the Inclusionary Zoning standards apply, and the language be modified to the following:

D. Ensuring workforce housing.

1. Purpose. Based on the City Council adoption of the 2023 City's Comprehensive Plan and the Mayor Affordable Housing Task Force Report dated December 2022, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of City of Biddeford citizens. This ordinance shall regulate properties located within the City's MSRD1, ~~and~~ MSRD3, and I-3 Zoning Districts.

Attest by: _____

Inclusionary Zoning Text Amendment
Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations

City Council Meeting: October 15, 2024

Section 40 Inclusionary zoning [1]

[Added 12-19-2023 by 2023.148]

A. Affordable housing development.

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.
3. Affordable housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household income, or other amount established in City regulations that does not vary significantly from this amount.

B. Workforce housing unit for rent for which:

1. The rent is affordable to a household earning 80% or less than of AMI.
2. The unit is rented to a household earning 80% or less than of AMI.
3. The requirements of Subsection B1 and 2 above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

- C. Purpose.** It is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section therefore is to offer

Inclusionary Zoning Text Amendment

Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations

City Council Meeting: October 15, 2024

incentives to developers to include units of affordable and workforce housing within development projects, thereby mitigating the impact of market rate housing construction, or the demonstrated increase in affordable housing needs resulting from the creation of new lower-income jobs, on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the City. The City believes that this section will assist in meeting the City's comprehensive goals for affordable housing in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety, and welfare of its citizens.

D. Ensuring workforce housing.

1. Purpose. Based on the City Council adoption of the 2023 City's Comprehensive Plan and the Mayor Affordable Housing Task Force Report dated December 2022, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of City of Biddeford citizens. This ordinance shall regulate properties located within the City's MSR D1, ~~and MSR D3~~, and I-3 Zoning Districts.
2. Applicability. This section shall apply to development projects that create eight or more net new dwelling units for rent through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements. This ordinance shall not apply to projects as follows:
 - a. Using public financing requiring affordability restrictions, as defined by tax increment financing, U.S. Department of Housing and Urban Development funds, such as HOME or CDBG, other federal, state, or local housing program, or the Low-Income Housing Tax Credit Program; or
 - b. Existing residential projects with Planning Board and/or City Council approvals.
 - c. Projects that qualify for a density bonus pursuant to table B, Dimensional Requirements.^[2]

^[2]

Editor's Note: Table B is included as an attachment to Art. V, Establishment of Zones.

Inclusionary Zoning Text Amendment

Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations

City Council Meeting: October 15, 2024

3. Standards. Development projects subject to this subsection shall be subject to the following requirements:
- a. Notwithstanding any language to the contrary in this Land Use Code, all developments of eight units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section.
 - b. At least 10% of the units in the project shall meet the definition of workforce housing units for rent to an eligible household, as defined in Article I, In General. The project shall have the option of paying a partial fee-in-lieu as outlined in Subsection D3F (Note scriber's error) below. Where the required number of units results in a fraction of less than 0.5, the required number of on-site units is rounded down to the nearest whole number. Where the required number of units results in a fraction of 0.5 or more, the development project shall have the option of paying a partial fee-in-lieu for the fractional value or rounding the number of on-site units up to the nearest whole number.
 - c. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
 - d. Workforce units must be integrated with the rest of the development, must use a common entrance, and must provide no indications from common areas that these units are workforce housing units. Exteriors of affordable units shall be consistent with and indistinguishable from the exteriors of other units in the project. Workforce units shall be comparable in materials, interior finishes, amenities, and parking to dwelling units in the neighborhood and in the development in which they are located.
 - e. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units shall be no less than 10% of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms.

Inclusionary Zoning Text Amendment

Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations

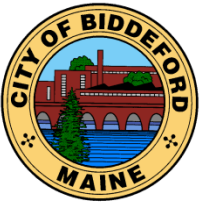
City Council Meeting: October 15, 2024

- f. As an alternative to providing workforce housing units, the project may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund. The fee for affordable units not provided shall be \$100,000 per unit. The payment shall be required in conjunction with a request for a certificate of occupancy.
 - g. If at least 33% of the units in a development are workforce units, the development is eligible for subsidy through an affordable housing tax increment financing (TIF) district credit enhancement agreement, subject to City Council approval.
 - h. The term of affordability for the required percentage of workforce units provided shall be 30 years.
- 4. Implementing regulations. Regulations to further specify the details of this subsection shall be developed, including, but not limited to:
 - a. Specific methodology for income verification.
 - b. Situations where less than permanent affordability might be considered.

E. Reporting to City Council. In conjunction with the annual report on the Housing Trust Fund, the Planning Authority shall annually report on developments subject to this section, the number of units produced, the amount of fees-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

[1]

Editor's Note: Former Section 40, Hotels/motels and inns, was repealed 1-3-2017 by Ord. No. 2016.114.



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: September 10, 2024

MEETING DATE: September 18, 2024

RE: Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations.

1. Overview:

The City's Inclusionary Ordinance was adopted by the City Council on December 19, 2023. At that time, the Ordinance was being proposed as a new Section (40) within the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 (New) – Inclusionary Zoning (IZ). As the Board may recall, on August 20, 2024 the City Council, following Planning Board review and recommendation, approved an amendment to City's Code of Ordinances; Part III: Land Development Regulations; "Table A- Table of Land Uses" to allow multi-family residential developments within the I-3 Zoning District, with conditions. One of the Conditions adopted requires any multi-family development to adhere to the standards of the Inclusionary Zoning Standards (Section 40). This proposed amendment is being made to bring the most recently adopted standards, to allow multi-family dwellings within the I-3 zoning, so that both Ordinances are consistent with each other. Text additions are shown in blue underlined, and ~~red strikethrough~~ for text deletions.

The Ordinance also requires a Zoning Text Amendment to the Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions to include a modified definition for "Affordable Housing Development" which is proposed to modify the original adopted Ordinance language from 70% to 80% so that the definition is consistent with all other IZ standards through-out the Ordinance. Therefore, the proposed modification to the City's Code of Ordinances, Part III: Land Development Regulations, Article II Definitions, Section 2 Definitions for Affordable Housing Development to be modified to the below:

AFFORDABLE HOUSING DEVELOPMENT

NEW ORDINANCE: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions.

Planning Board Hearing Date: November 1, 2023

[Added 12-19-2023 by 2023.149]

1. For rental housing, a development in which a household whose income does not exceed ~~70%~~ 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs; and

(* Note: followed with Definition #2).

2. Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of these amendments to the City Council to make both Ordinances consistent and to update the Inclusionary Ordinance to include multi-family dwellings within the I-3 zoning district. Staff is further recommending approval to adopt the amended "Affordable Housing Development" definition, as written above.

3. SAMPLE MOTIONS A:

Amendments to Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations.

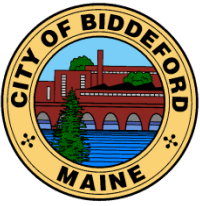
- A. Motion to Approve: I motion to APPROVE the proposed Amendments to the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ), as written and proposed.
- B. Motion to Deny: I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ), for the following reasons:

- 1) _____.
- 2) _____.
- 3) _____.

- C. Motion to Table: I motion to TABLE the proposed Amendments to the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ), for the following reasons.

- 1) _____.
- 2) _____.
- 3) _____.

4. SAMPLE MOTIONS B - Definition:



CITY OF BIDDEFORD

Planning and Development Department

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Amendments to Code of Ordinances, Part III: Land Development Regulations,

- A. Motion to Approve: I motion to APPROVE the proposed Text Amendment to the City's Code of Ordinances, Part III: Land Development Regulations, Article II – Definitions to include a modified definition for "Affordable Housing Development" which is proposed to modify the original adopted Ordinance language from 70% to 80% so that the definition is consistent with all other IZ standards through-out the Ordinance, as written and proposed.
- B. Motion to Deny: I motion to DENY the proposed Text Amendment to the City's Code of Ordinances, Part III: Land Development Regulations, Article II – Definitions to include a modified definition for "Affordable Housing Development" which is proposed to modify the original adopted Ordinance language from 70% to 80% so that the definition is consistent with all other IZ standards through-out the Ordinance, for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Text Amendment to the City's Code of Ordinances, Part III: Land Development Regulations, Article II – Definitions to include a modified definition for "Affordable Housing Development" which is proposed to modify the original adopted Ordinance language from 70% to 80% so that the definition is consistent with all other IZ standards through-out the Ordinance, for the following reasons.
- 1) _____.
 - 2) _____.
 - 3) _____.

ATTACHMENTS

1. Attachment # 1: Section 40 – Inclusionary Zoning (IZ) with proposed text changes



City Council

Meeting Date: November 7, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.b
Item Description: 2024.177) Approval/General Assistance Maximums and Ordinance
Submitted By: Jake Hammer

Supporting Information/Documentation:

202411 2024.177 2024-2025 GA Maximums and Ordinance Adoption-ORDER, 2024-2025 GA Ordinance (for Adoption) - CLEAN Ver., 2024 Recovery Residence Maximums (for Adoption) - REFERENCE, 2024-2025 GA Ordinance - REDLINE Ver, 2024-2025 GA Ordinance Adoption Form

Key Terms:

Executive Summary:

This agenda item seeks the City Council's approval of the updated **General Assistance (GA) maximums** for Fiscal Year 2025 (FY25), as required by the Maine Department of Health and Human Services (DHHS). These maximums outline the allowable levels of financial assistance for basic necessities such as housing, food, utilities, heating, and personal care items provided to eligible residents through the General Assistance program. Additionally, the Council is asked to **approve amendments to the City's GA ordinance**, ensuring compliance with state guidelines.

Detailed Review:

The City administers its General Assistance program in accordance with MRS Title 22, §4305, which mandates municipalities to provide financial aid to residents in need. Each year, the Maine DHHS reviews and adjusts the maximum levels of assistance to reflect changes in cost of living, rent, utilities, and other expenses. Municipalities are required to adopt updated maximums annually to remain in compliance with state law and ensure eligible residents receive adequate support.

Key Components:

1. Updated Maximums for FY25:

- The DHHS model maximums for York County FY'25 reflect current economic conditions, particularly in the areas of rental, utility and heating costs.
- These maximums are determined by DHHS and provided to municipalities as part of their GA program administration.
- New Housing Maximums have been provided by DHHS for Recovery Residences.
- Approval of the new maximums will allow the City to continue providing assistance while ensuring compliance with state guidelines.

2. General Assistance Ordinance Update:

- Biddeford's current GA Ordinance was adopted in 2022 and new legislation on the topic of GA has passed since then.
- Minor updates to the City's GA ordinance are necessary to align it with the updated maximums and the most recent guidance from the Maine DHHS.
- All updates proposed are contained in MMA's yearly model ordinance for FY25.

Funding Source:

N/A

Staff Recommendation:

City staff recommend that the Council **approve the updated GA maximums for FY25 and adopt the revised GA ordinance** to ensure continued compliance with state law and to provide necessary assistance to residents in need.

Staff also recommends a market survey be conducted by General Assistance staff in FY25 to assess the appropriateness of the model maximums as opposed to simply raising the maximums to be closer to maximums used by other municipalities in preparation for FY26.

City of Biddeford



2024.177 IN BOARD OF CITY COUNCIL... November 7th, 2024

BE IT ORDERED, that, the City Council of the City of Biddeford hereby amends the current Model General Assistance Ordinance by repealing appendices A-H and replacing these with the FY25 General Assistance Maximums Appendices A-H, for the period of October 1, 2024 through September 30, 2025 as published by the Maine Department of Health and Human Services (DHHS).

BE IT FURTHER ORDERED, that the City Council of the City of Biddeford does hereby repeal the current use of the FY22 General Assistance Ordinance and immediately replace it with the FY25 Maine Municipal Association Model General Assistance Ordinance.

NOTE: This Order references the *2024-2025 GA Ordinance (for Adoption) – CLEAN Ver* and *2024-2025 Recovery Residence Maximums (for Adoption)-REFERENCE* included in the packet. The full text of the Model Ordinance is included. Once adopted, the Model Ordinance will be administratively amended to fit within the numbering convention of the Code of Ordinances and the Appendix references to other regions, counties, and communities will be deleted.

Attest by: _____

GENERAL ASSISTANCE ORDINANCE



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

Prepared by

Maine Municipal Association

September 2024

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ARTICLE I – Statement of Policy

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

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

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

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

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

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

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

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

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

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

Section 2.2—Special Definitions

Administrator. See “General Assistance Administrator,” below.

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

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

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

“Basic necessities” do not include:

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

- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).

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

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

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II – Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III – Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

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

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

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

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

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

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

Section 3.2—Maintenance of Records

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

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

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant’s mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status;
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician’s documentation;
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and

ARTICLE III – Administrative Rules and Regulations

- vendor forms

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

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

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

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

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

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

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

The municipality will post notice stating the times and location where people may apply for assistance and contact information for the Administrator available to take

emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 4.3—Contents of the Application

An application must contain the following information:

- a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
- b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
- c) the total number of individuals living with the applicant;
- d) employment and employability information;
- e) a listing of all household income, resources, assets, and property;
- f) the applicant's household expenses;
- g) the types of assistance requested;
- h) a statement of the penalty for false representation;
- i) the applicant's permission for the Administrator to verify information;
- j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4— GA Administrator’s Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant’s eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant’s information and any benefit reimbursement agreements before the Administrator requests the applicant’s signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant’s ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;
- immigration status (see definition of “Eligible Person”); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;
- confidentiality of the application and other records;

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

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

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

Section 4.5—Responsibilities of the Applicant at Time of Application

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

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

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

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

- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
- c) has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant's need for general assistance. (22 M.R.S. § § 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator's written decision will contain:

- a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the Administrator's decision;
- d) the applicant's right to a fair hearing; and
- e) the applicant's right to notify the DHHS if they believe the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

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

Section 4.8—Temporary Refusal to Accept Application

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

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

Section 4.9—Emergencies

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

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

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

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

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

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

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

Benefits provided prior to verification are limited as follows:

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

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

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

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

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

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

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

- b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
- d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance actually received during the applicable time period.
- e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.
- f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

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

Section 4.10—Residence

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

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

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

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

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

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 6 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. § § 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

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

Section 5.1—Initial Application

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

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

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

Section 5.1A – Presumptive Eligibility

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

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

Section 5.1B – Recovery Residences

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

Section 5.2—Eligibility for Categorical Assistance

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

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

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

Section 5.3—Personal Property

a) Liquid Assets.

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

b) Tangible Assets.

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

c) Automobile Ownership.

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

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

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

d) Insurance.

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

e) Transfer of Property.

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

Section 5.4—Ownership of Real Estate

a) Principal Residence.

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

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

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

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

b) Other Property.

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

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

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

Section 5.5—Work Requirement

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

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

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

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

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

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

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

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

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

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

- a) the applicant has a physical or mental illness or disability which prevents them from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed

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

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

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

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

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

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

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

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

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

Section 5.6—Municipal Work Program

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

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

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

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

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

ARTICLE IV – Application Procedure

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

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

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

That written decision must include:

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

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

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

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

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

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

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

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

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

Section 5.7—Use of Resources

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

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

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

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

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

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

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

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

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

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

Section 5.8—Period of Ineligibility

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

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

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

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

Section 5.9 – Unemployment Fraud

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

ARTICLE VI – Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

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

Section 6.2—Determination; Redetermination

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

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

Section 6.3—Verification

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- legally and non-legally liable relatives

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

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

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

Section 6.4—Fraud

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

False representation means any individual who knowingly and willfully:

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

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

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

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

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

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

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

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

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

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

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

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

- Credit card debt

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

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

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

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

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

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

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

Section 6.7—Income

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

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

household's need for basic necessities, up to the maximum levels contained in Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22 M.R.S. § 4308) (*see Ordinance § 4.9*). To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

- a) **Earned Income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and childcare costs will be deducted from an applicant's income. (22 M.R.S. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received

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

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for 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

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

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

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

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

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

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

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

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

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

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

Section 6.8—Basic Necessities; Maximum Levels of Assistance

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

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

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

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

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

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

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

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

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

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

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

- (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

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

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

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

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

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

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

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

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

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

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

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

a tax lien foreclosure will result in subsequent eviction from the residential property; and

- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Ordinance Appendix C for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

- (C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay

their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) (*see Ordinance § § 4.9; 6.3*). The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

- (D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency

request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

- (E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F for the current year's personal care and household supplies maximums.
- (F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.
- 1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
- 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state

program, that will diminish 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.

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

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

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

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

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

Section 6.9—Burials; Cremations

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

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

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

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

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

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

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

Under these circumstances, each legally liable relative is considered to be responsible for 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

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

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

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

Section 6.10—Notice of Decision

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

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

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

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

ARTICLE VI – Determination of Eligibility

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

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

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

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

Section 7.2—Method of Obtaining a Fair Hearing

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

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

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

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

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

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

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

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

Section 7.3—The Fair Hearing Authority

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

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

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

Section 7.4—Fair Hearing Procedure

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

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

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

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

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

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

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

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

Section 7.5—The Fair Hearing Decision

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

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

ARTICLE VII – The Fair Hearing

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

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

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

ARTICLE VIII – Recovery of Expenses

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

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

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

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

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

ARTICLE VIII – Recovery of Expenses

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

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

ARTICLE IX – Severability

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

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APPENDIX A – 2024-2025 GA Overall Maximums

Effective: 10/1/24 – 9/30/25

Metropolitan Areas

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

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

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

Non-Metropolitan Areas

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

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	619	174	748
1	152	654	191	822
2	186	798	237	1,019
3	261	1,123	324	1,393
4	270	1,162	347	1,492

<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	154	660	184	789
1	164	705	203	873
2	216	929	267	1,150
3	293	1,260	356	1,530
4	326	1,402	403	1,732

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	224	964	251	1,079
1	224	964	252	1,083

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
2	253	1,087	299	1,284
3	341	1,467	397	1,707
4	341	1,467	397	1,707
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	189	811	215	926
1	189	811	216	927
2	231	994	277	1,191
3	294	1,262	349	1,502
4	339	1,459	407	1,752

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
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

<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
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	246	1,066
2	252	1,085	298	1,282
3	315	1,353	370	1,593

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
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</u> <u>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
<u>Penobscot Cty.</u> <u>HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>Sagadahoc Cty.</u> <u>HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
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
<u>York/Kittery / S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
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

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00
NOTE: For each additional person add \$1.25 per week or \$5.00 per month.		

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

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

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

APPENDIX G – Mileage Rate

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

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

APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums

Effective: 10/01/23 to 09/30/24

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

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

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

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

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

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,025.

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

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

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

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

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

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

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

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

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

[PL2019, c. 125, §1 (AMD).]

B. “Misconduct” may not be found solely on:

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

[PL 2019, c. 125, §1 (AMD).]

2024-2025 GA Housing Maximums

Recovery Residences

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

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$133.70	\$575.40

<u>Franklin County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$142.10	\$611.10

<u>Hancock County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$176.40	\$758.10

<u>Kennebec County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$151.20	\$648.90

<u>Knox County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$151.20	\$648.90

<u>Lincoln County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$172.20	\$739.90

<u>Oxford County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$144.90	\$623.70

<u>Piscataquis County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$136.50	\$588.00

<u>Somerset County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$148.40	\$638.40

<u>Waldo County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$173.60	\$746.20

<u>Washington County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$134.40	\$578.90

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$170.80	\$734.30

<u>Cumberland Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$205.10	\$882.70

<u>Lewiston/Auburn MSA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$154.00	\$662.20

<u>Penobscot Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$140.70	\$605.50

<u>Portland HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$267.40	\$1,150.80

<u>Sagadahoc Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$185.50	\$798.00

<u>York Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$202.30	\$869.40

<u>York/Kittery/S Berwick HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	\$231.70	\$997.50

GENERAL ASSISTANCE ORDINANCE



MAINE MUNICIPAL
ASSOCIATION SINCE 1936

Prepared by

Maine Municipal Association

September ~~2023~~2024

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ARTICLE I – Statement of Policy

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

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

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

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

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

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

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

Section 2.2—Special Definitions

Administrator. See “General Assistance Administrator,” below.

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

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

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

“Basic necessities” do not include:

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

- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).

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

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

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III – Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

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

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

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

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

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

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

Section 3.2—Maintenance of Records

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

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

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant’s mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status;
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician’s documentation;
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and

ARTICLE III – Administrative Rules and Regulations

- vendor forms

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

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

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

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

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

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

Applications Accepted; Posted Notice. ~~Application forms will be available during regular business hours at the municipal office and when the Administrator is conducting interviews with applicants. Completed applications will be accepted and interviews given only during the regular hours established and posted by the Administrator.~~ Any person may apply for general assistance during the municipality's regular business hours. In an emergency, however, the Administrator or their designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where people may apply for assistance and contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 4.3—Contents of the Application

An application must contain the following information:

- a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
- b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
- c) the total number of individuals living with the applicant;
- d) employment and employability information;
- e) a listing of all household income, resources, assets, and property;
- f) the applicant's household expenses;
- g) the types of assistance requested;
- h) a statement of the penalty for false representation;
- i) the applicant's permission for the Administrator to verify information;
- j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the

Administrator may elect to provide a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4— GA Administrator's Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;

- receive a written decision concerning eligibility within 24-hours after application;
- confidentiality of the application and other records;
- contact the DHHS with complaints;
- challenge the Administrator’s decision by requesting a fair hearing.

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

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

Section 4.5—Responsibilities of the Applicant at Time of Application

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

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

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

- a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;
- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
- c) has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant's need for general assistance. (22 M.R.S. § § 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator's written decision will contain:

- a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the Administrator's decision;
- d) the applicant's right to a fair hearing; and

- e) the applicant’s right to notify the DHHS if they believe the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

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

Section 4.8—Temporary Refusal to Accept Application

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

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

Section 4.9—Emergencies

An “emergency” means any life-threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits,

unless they are disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 4308).

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

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

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

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

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

Benefits provided prior to verification are limited as follows:

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

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

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

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

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

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

created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.

- b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
- d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance actually received during the applicable time period.
- e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.
- f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

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

Section 4.10—Residence

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

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

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30-6 days months after they move provided the recipient remains eligible, including processing applications and determining eligibility for assistance.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, they will be the responsibility of this municipality for up to 6-12 months after they enter the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which they intend to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S. § 4307(4)).

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

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 6 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. § § 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

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

Section 5.1—Initial Application

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

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

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

Section 5.1A – Presumptive Eligibility

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

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

Section 5.1B – Recovery Residences

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

Section 5.2—Eligibility for Categorical Assistance

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

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

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

Section 5.3—Personal Property

a) Liquid Assets.

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

b) Tangible Assets.

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

c) Automobile Ownership.

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

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

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

d) Insurance.

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

e) Transfer of Property.

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

Section 5.4—Ownership of Real Estate

a) Principal Residence.

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

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

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

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

b) Other Property.

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

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

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

Section 5.5—Work Requirement

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

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

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

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

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

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

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

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

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

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

- a) the applicant has a physical or mental illness or disability which prevents them from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed

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

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

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

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

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

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

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

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

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

Section 5.6—Municipal Work Program

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

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

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

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

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

ARTICLE IV – Application Procedure

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

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

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

That written decision must include:

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

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

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

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

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

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

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

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

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

Section 5.7—Use of Resources

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

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

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

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

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

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

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

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

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

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

Section 5.8—Period of Ineligibility

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

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

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

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

Section 5.9 – Unemployment Fraud

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

ARTICLE VI – Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

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

Section 6.2—Determination; Redetermination

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

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

Section 6.3—Verification

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- legally and non-legally liable relatives

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

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

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

Section 6.4—Fraud

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

False representation means any individual who knowingly and willfully:

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

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

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

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

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

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

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

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

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

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

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

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

- Credit card debt

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

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

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

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

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

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

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

Section 6.7—Income

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

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

household's need for basic necessities, up to the maximum levels contained in Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22 M.R.S. § 4308) (*see Ordinance § 4.9*). To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

- a) **Earned Income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and childcare costs will be deducted from an applicant's income. (22 M.R.S. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received

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

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for 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

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

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

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

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

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

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

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

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

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

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

Section 6.8—Basic Necessities; Maximum Levels of Assistance

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

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

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

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

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

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

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

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

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

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

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

- (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

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

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

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

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

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

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

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

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

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

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

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

a tax lien foreclosure will result in subsequent eviction from the residential property; and

- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Ordinance Appendix C for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

- (C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay

their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) (*see Ordinance § § 4.9; 6.3*). The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

- (D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency

request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

- (E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F for the current year's personal care and household supplies maximums.
- (F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.
- 1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
- 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state

program, that will diminish 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.

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

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

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

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

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

Section 6.9—Burials; Cremations

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

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

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

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

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

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

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

Under these circumstances, each legally liable relative is considered to be responsible for 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

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.

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

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

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

ARTICLE VIII – Recovery of Expenses

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

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

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

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

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

ARTICLE VIII – Recovery of Expenses

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

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

ARTICLE IX – Severability

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

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APPENDIX A – ~~2023~~2024-~~2024~~2025 GA Overall Maximums

Effective: 10/1/~~23~~24 – 9/30/~~24~~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	886 <u>969</u>	1, 029 <u>06</u> <u>8</u>	1, 316 <u>36</u> <u>7</u>	1, 638 <u>74</u> <u>4</u>	2, 241 <u>33</u> <u>3</u>
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1, 403 <u>13</u> <u>9</u>	1, 235 <u>28</u> <u>0</u>	1, 626 <u>68</u> <u>9</u>	2, 049 <u>13</u> <u>1</u>	2, 215 <u>47</u> <u>6</u>
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	853 <u>881</u>	925 <u>965</u>	1, 186 <u>23</u> <u>2</u>	1, 543 <u>60</u> <u>8</u>	1, 870 <u>94</u> <u>7</u>
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	846 <u>874</u>	853 <u>884</u>	1, 126 <u>16</u> <u>9</u>	1, 408 <u>46</u> <u>4</u>	1, 537 <u>60</u> <u>3</u>
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, 367 <u>45</u> <u>1</u>	1, 593 <u>66</u> <u>3</u>	2, 045 <u>14</u> <u>1</u>	2, 611 <u>71</u> <u>5</u>	3, 201 <u>33</u> <u>2</u>

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	<u>938969</u>	<u>1,11815</u> <u>9</u>	<u>1,36041</u> <u>3</u>	<u>1,85793</u> <u>9</u>	<u>2,21933</u> <u>5</u>
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	<u>1,15419</u> <u>2</u>	<u>1,21726</u> <u>1</u>	<u>1,50956</u> <u>7</u>	<u>1,9612,0</u> <u>39</u>	<u>2,20729</u> <u>7</u>
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	<u>1,32737</u> <u>1</u>	<u>1,39344</u> <u>4</u>	<u>1,83490</u> <u>5</u>	<u>2,48958</u> <u>9</u>	<u>3,17530</u> <u>5</u>

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

Non-Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Aroostook County	<u>742766</u>	<u>812842</u>	<u>9511,043</u>	<u>1,281421</u>	<u>1,464524</u>
Franklin County	<u>781807</u>	<u>834893</u>	<u>1,033174</u>	<u>1,383558</u>	<u>1,695764</u>
Hancock County	<u>9651,096</u>	<u>9961,102</u>	<u>1,198307</u>	<u>1,521734</u>	<u>1,655740</u>
Kennebec County	<u>879943</u>	<u>899946</u>	<u>1,120214</u>	<u>1,470529</u>	<u>1,587784</u>
Knox County	<u>905935</u>	<u>913946</u>	<u>1,120163</u>	<u>1,490550</u>	<u>1,592657</u>
Lincoln County	<u>1,004037</u>	<u>1,013076</u>	<u>1,282332</u>	<u>1,582733</u>	<u>2,069154</u>
Oxford County	<u>873902</u>	<u>878910</u>	<u>1,072185</u>	<u>1,514575</u>	<u>1,761869</u>
Piscataquis County	<u>752777</u>	<u>810860</u>	<u>1,000131</u>	<u>1,326398</u>	<u>1,598689</u>
Somerset County	<u>810897</u>	<u>851931</u>	<u>1,098140</u>	<u>1,430487</u>	<u>1,532612</u>
Waldo County	<u>1,041075</u>	<u>1,047085</u>	<u>1,256305</u>	<u>1,558620</u>	<u>2,132219</u>
Washington County	<u>811838</u>	<u>816846</u>	<u>1,060101</u>	<u>1,328508</u>	<u>1,453598</u>

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

APPENDIX B – ~~2023~~2024-~~2024~~ 2025 Food Maximums

Effective: 10/01/~~23~~24 to 09/30/~~24~~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, ~~2023~~2024, those amounts are:

Number in Household	Weekly Maximum \$	Monthly Maximum
1	67.67 <u>67.91</u> 124.42	\$ 291 <u>292</u> .00
2	65 178.14	535 <u>536</u> .00
3	60 226.28	766 <u>768</u> .00
4	74	973 <u>975</u> .00
5	268.60 <u>269.30</u>	1, 455 <u>158</u> .00
6	322.33 <u>323.26</u>	1, 389 <u>390</u> .00
7	356.28 <u>357.21</u>	1, 532 <u>536</u> .00
8	407.21 <u>408.37</u>	1, 751 <u>756</u> .00

Note: For each additional person add \$~~219~~220 per month.

APPENDIX C – ~~2023~~2024-~~2024~~2025 GA Housing Maximums

Effective: 10/01/~~23~~24 to 09/30/~~24~~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

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	134 <u>144</u>	577 <u>619</u>	169 <u>174</u>	726 <u>748</u>
1	139 <u>152</u>	598 <u>654</u>	185 <u>191</u>	794 <u>822</u>
2	156 <u>186</u>	672 <u>798</u>	216 <u>237</u>	929 <u>1,019</u>
3	218 <u>261</u>	940 <u>1,123</u>	292 <u>324</u>	1,256 <u>393</u>
4	243 <u>270</u>	1,044 <u>162</u>	333 <u>347</u>	1,434 <u>1,492</u>

<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	143 <u>154</u>	616 <u>660</u>	178 <u>184</u>	765 <u>789</u>
1	144 <u>164</u>	620 <u>705</u>	190 <u>203</u>	816 <u>873</u>
2	175 <u>216</u>	754 <u>929</u>	235 <u>267</u>	1,011 <u>1150</u>
3	242 <u>293</u>	1,042 <u>260</u>	316 <u>356</u>	1,358 <u>530</u>
4	296 <u>326</u>	1,275 <u>402</u>	387 <u>403</u>	1,665 <u>732</u>

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	191 <u>224</u>	821 <u>964</u>	221 <u>251</u>	950 <u>1,079</u>
1	191 <u>224</u>	821 <u>964</u>	228 <u>252</u>	979 <u>1,083</u>

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
2	<u>222253</u>	<u>9561,087</u>	<u>274299</u>	<u>1,177284</u>
3	<u>285341</u>	<u>1,227467</u>	<u>348397</u>	<u>1,496707</u>
4	<u>301341</u>	<u>1,293467</u>	<u>378397</u>	<u>1,625707</u>
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>171189</u>	<u>735811</u>	<u>201215</u>	<u>864926</u>
1	<u>171189</u>	<u>735811</u>	<u>205216</u>	<u>882927</u>
2	<u>204231</u>	<u>878994</u>	<u>256277</u>	<u>1,099191</u>
3	<u>274294</u>	<u>1,176262</u>	<u>336349</u>	<u>1,445502</u>
4	<u>285339</u>	<u>1,225459</u>	<u>362407</u>	<u>1,557752</u>

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>177187</u>	<u>761803</u>	<u>207214</u>	<u>890918</u>
1	<u>177187</u>	<u>761803</u>	<u>208216</u>	<u>896927</u>
2	<u>204219</u>	<u>878943</u>	<u>256265</u>	<u>1,099140</u>
3	<u>278298</u>	<u>1,196283</u>	<u>341354</u>	<u>1,465523</u>
4	<u>286310</u>	<u>1,230332</u>	<u>363378</u>	<u>1,562625</u>
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>200210</u>	<u>860905</u>	<u>230237</u>	<u>9891,020</u>
1	<u>200211</u>	<u>860906</u>	<u>232246</u>	<u>9961,057</u>
2	<u>242259</u>	<u>1,040112</u>	<u>293304</u>	<u>1,261309</u>
3	<u>300341</u>	<u>1,288466</u>	<u>362397</u>	<u>1,557706</u>
4	<u>397425</u>	<u>1,707829</u>	<u>474493</u>	<u>2,039122</u>

<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>169179</u>	<u>729770</u>	<u>200206</u>	<u>858885</u>
1	<u>169179</u>	<u>729770</u>	<u>200207</u>	<u>861891</u>
2	<u>193224</u>	<u>830965</u>	<u>244270</u>	<u>1,051162</u>
3	<u>284304</u>	<u>1,220308</u>	<u>346360</u>	<u>1,489548</u>
4	<u>325359</u>	<u>1,399544</u>	<u>403427</u>	<u>1,731837</u>
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>136147</u>	<u>587630</u>	<u>171177</u>	<u>736759</u>
1	<u>139156</u>	<u>596672</u>	<u>184195</u>	<u>792840</u>
2	<u>168206</u>	<u>721886</u>	<u>227257</u>	<u>9781,107</u>
3	<u>229256</u>	<u>9851,100</u>	<u>302319</u>	<u>1,301370</u>
4	<u>274309</u>	<u>1,178327</u>	<u>365385</u>	<u>1,568657</u>
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>155178</u>	<u>666765</u>	<u>185205</u>	<u>795880</u>
1	<u>155178</u>	<u>666765</u>	<u>194212</u>	<u>834912</u>
2	<u>199214</u>	<u>856920</u>	<u>250260</u>	<u>1,077117</u>
3	<u>264284</u>	<u>1,136220</u>	<u>327339</u>	<u>1,405460</u>
4	<u>272299</u>	<u>1,170287</u>	<u>349367</u>	<u>1,502580</u>

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>209219</u>	<u>897943</u>	<u>239246</u>	<u>1,026058</u>
1	<u>209219</u>	<u>897943</u>	<u>239246</u>	<u>1,030066</u>
2	<u>236252</u>	<u>1,014085</u>	<u>287298</u>	<u>1,235282</u>
3	<u>294315</u>	<u>1,264353</u>	<u>357370</u>	<u>1,533593</u>

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
4	<u>412440</u>	<u>1,770894</u>	<u>489509</u>	<u>2,102187</u>
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>155164</u>	<u>667706</u>	<u>185191</u>	<u>796821</u>
1	<u>155164</u>	<u>667706</u>	<u>186192</u>	<u>799827</u>
2	<u>190205</u>	<u>818881</u>	<u>242251</u>	<u>1,036078</u>
3	<u>241289</u>	<u>1,034241</u>	<u>303344</u>	<u>1,303481</u>
4	<u>254296</u>	<u>1,091273</u>	<u>331364</u>	<u>1,423566</u>

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>172195</u>	<u>742837</u>	<u>203221</u>	<u>871952</u>
1	<u>196209</u>	<u>841898</u>	<u>235244</u>	<u>1,012049</u>
2	<u>250267</u>	<u>1,074147</u>	<u>301312</u>	<u>1,295344</u>
3	<u>313344</u>	<u>1,344477</u>	<u>375399</u>	<u>1,613717</u>
4	<u>437467</u>	<u>1,8792,008</u>	<u>514535</u>	<u>2,211301</u>
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>223234</u>	<u>9591,007</u>	<u>253261</u>	<u>1,088122</u>
1	<u>244258</u>	<u>1,047110</u>	<u>282293</u>	<u>1,218261</u>
2	<u>322342</u>	<u>1,384469</u>	<u>373387</u>	<u>1,605666</u>
3	<u>408434</u>	<u>1,755864</u>	<u>471489</u>	<u>2,024104</u>
4	<u>431500</u>	<u>1,8532,151</u>	<u>508568</u>	<u>2,185444</u>

<u>Lewiston/Auburn</u> <u>MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>165174</u>	<u>709749</u>	<u>195201</u>	<u>838864</u>
1	<u>171185</u>	<u>737795</u>	<u>211220</u>	<u>908946</u>
2	<u>220235</u>	<u>9441,012</u>	<u>271281</u>	<u>1,165209</u>
3	<u>291312</u>	<u>1,249341</u>	<u>353368</u>	<u>1,518581</u>
4	<u>351377</u>	<u>1,508622</u>	<u>428445</u>	<u>1,840915</u>
<u>Penobscot Cty.</u> <u>HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>163173</u>	<u>702742</u>	<u>193199</u>	<u>831857</u>
1	<u>163173</u>	<u>702742</u>	<u>194201</u>	<u>836865</u>
2	<u>206221</u>	<u>884949</u>	<u>257266</u>	<u>1,105146</u>
3	<u>259278</u>	<u>1,114197</u>	<u>322334</u>	<u>1,383437</u>
4	<u>273297</u>	<u>1,175278</u>	<u>351365</u>	<u>1,507571</u>
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>284307</u>	<u>1,223319</u>	<u>314334</u>	<u>1,352434</u>
1	<u>327347</u>	<u>1,405493</u>	<u>366382</u>	<u>1,576644</u>
2	<u>419447</u>	<u>1,803921</u>	<u>471492</u>	<u>2,024118</u>
3	<u>539569</u>	<u>2,317448</u>	<u>601625</u>	<u>2,586688</u>
4	<u>660699</u>	<u>2,8393,007</u>	<u>738767</u>	<u>3,171300</u>
<u>Sagadahoc Cty.</u> <u>HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>185195</u>	<u>794837</u>	<u>215221</u>	<u>923952</u>
1	<u>216230</u>	<u>930989</u>	<u>256265</u>	<u>1,101140</u>
2	<u>260277</u>	<u>1,118193</u>	<u>311323</u>	<u>1,339390</u>

3	<u>364389</u>	<u>1,563672</u>	<u>426445</u>	<u>1,832912</u>
4	<u>432467</u>	<u>1,8572,010</u>	<u>509536</u>	<u>2,189303</u>
York Cty. HMFA	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>235247</u>	<u>1,010060</u>	<u>265273</u>	<u>1,139175</u>
1	<u>239254</u>	<u>1,029091</u>	<u>279289</u>	<u>1,200242</u>
2	<u>295313</u>	<u>1,267347</u>	<u>346359</u>	<u>1,488544</u>
3	<u>388412</u>	<u>1,667772</u>	<u>450468</u>	<u>1,9362,012</u>
4	<u>429459</u>	<u>1,845972</u>	<u>506527</u>	<u>2,177265</u>
York/Kittery / S. Berwick HMFA	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	<u>275288</u>	<u>1,183239</u>	<u>305315</u>	<u>1,312354</u>
1	<u>280296</u>	<u>1,205274</u>	<u>320331</u>	<u>1,376425</u>
2	<u>370392</u>	<u>1,592685</u>	<u>422438</u>	<u>1,813882</u>
3	<u>511540</u>	<u>2,195322</u>	<u>573596</u>	<u>2,464562</u>
4	<u>654693</u>	<u>2,813980</u>	<u>731761</u>	<u>3,145273</u>

APPENDIX D – ~~2023~~2024-~~2024~~2025 Electric Utility Maximums

Effective: 10/01/~~23~~24 to 09/30/~~24~~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 – ~~2023~~2024-~~2024~~2025 Heating Fuel Maximums

Effective: 10/01/~~23-24~~ to 09/30/~~24~~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 – ~~2023~~2024-2024 ~~2025~~ Personal Care & Household Supplies Maximums

Effective: 10/01/~~23-24~~ to 09/30/~~24~~25

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

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

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

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

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

APPENDIX G – Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel, etc. is ~~46~~50 cents (~~46~~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: 10/01/23 to 09/30/24

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

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

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

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

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

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,025.

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

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

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

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

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

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

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

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

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

[PL2019, c. 125, §1 (AMD).]

B. “Misconduct” may not be found solely on:

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

[PL 2019, c. 125, §1 (AMD).]

*[For use when adopting a **new version of the GA ordinance or amending the body of the ordinance** – not solely adoption of updated appendices]*

MUNICIPALITY OF _____
GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of _____, after notice and hearing, hereby enact the attached General Assistance Ordinance with appendices in its entirety. 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 22 M.R.S. chapter 1161.

Signed this _____ day of _____, 20____, by the municipal officers:

_____ (Print Name)	_____ (Signature)
_____ (Print Name)	_____ (Signature)
_____ (Print Name)	_____ (Signature)
_____ (Print Name)	_____ (Signature)
_____ (Print Name)	_____ (Signature)

[Send a copy of the enactment page and ordinance to DHHS, 109 Capitol Street, SHS 11, Augusta, ME 04330-0011]



City Council

Meeting Date: November 7, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.c
Item Description: 2024.178 Approval of RFP for Gilbert Boucher Park Bath house
Submitted By: Lisa Thompson, Recreation Director

Supporting Information/Documentation:

RFP Bathhouse 9.9.2024, RFP City of Biddeford Bathhouse 7.8.2024, Doten's RFP Response 8.1.24, Biddeford Bathhouse-Lifeguard Station 9.30.2024-Hardypond, Hardypond-RFP City of Biddeford Bathhouse and Lifeguard station 8.1.24

Key Terms:

Bath House, Gilbert Boucher Park

Executive Summary:

To approve a bid, or seek direction from council from two RFP processes seeking bids for a design build of a new bath house for Gilbert Boucher Park.

Detailed Review:

Directors of Code Enforcement, Public Works and Recreation sent out an RFP in August for a new design build for a bathhouse at Gilbert Boucher Park. This process yielded 2 bids, both of which were over budget. The same process was repeated in September, but with the option of submitting 2 bids: 1) exterior design, no foundation, and 2) exterior design with a foundation. This RFP yielded one bid with little information, only costs for both options.

<u>Date</u>	<u>Bidder</u>	<u>Bid Amt</u>	<u>Description</u>
08/01/24	Doten	\$350,671	Full structure
08/01/24	Hardypond	\$431,628	Full structure
09/20/24	Hardypond	\$332,242	Bid 1
09/30/24	Hardypond	\$180,984	Bid 2

Reference:

Bid 1 - Weatherized shell with interior stud partitions, poured foundation or frost protected monolithic slab

Bid 2 - Weatherized shell with interior stud partitions

Full Structure - Design build of finished 28x32 structure

At this time staff is presenting the information for Council review and to obtain direction on how to proceed. It is staff's belief that the current pricing is very high relative to the nature of the building.

The options at this time are:

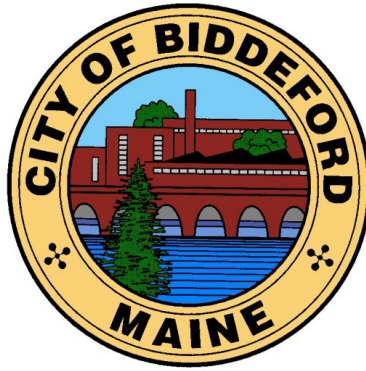
1. Accept one of the existing bids or options.
2. Place the project on hold and revisit the RFB process after the first of the year.
3. Direct staff to evaluate other options, such as but not limited to prefab/modular systems, and report back to the Council once the evaluation is complete, but no later than the first regular meeting in January 2025.

Funding Source:

The City Council authorized the city manager to seek bids for the project at the June 18, 2024 city council meeting. The total anticipated budget at that time was \$352,450.00.

Staff Recommendation:

To provide council with information and seek directions for next steps.



Requests for Proposals

Bathhouse and Lifeguard Station Gilbert Boucher Park

BIDDEFORD, MAINE 04005

City of Biddeford – Recreation Department



**City of Biddeford
Recreation Department**

Request for Bids

Bath House and Lifeguard Station for Gilbert Boucher Park

Return proposals to:

Lisa Thompson, CPRP, Recreation Director
City of Biddeford
P.O. Box 586
Biddeford, Maine 04005
207-283-0841

Release Date: 9/9/2024

Bid Due Date: 9-30-2024

Bid Due Time: 2:00PM

The City of Biddeford (herein after referred to as “the City”) shall bear none of the costs incurred by any proposer or potential proposer in their preparation of the proposed solution documents or any visits to inspect the project site. All such costs are the responsibility of the proposer.

SUBMISSION

Proposals are to be submitted in a sealed envelope, plainly marked “City of Biddeford Bath House Project” along with the Company’s name and date and time of the scheduled opening. Please specify on the envelope “ Bid Project #1” and “ Bid Project #2”. The CITY, its employees, officers or agents shall not be responsible for any pre-opening or post-opening of any proposal not properly addressed and identified. Proposals made in pencil or forwarded using e-mail and the internet will be rejected.

LIABILITY

Company agrees to indemnify, save, and hold the city, its agents and employees harmless from all claims or causes of action arising from the performance of this agreement by Company or Company’s agents or employees. This clause shall not be construed to bar any legal remedies Company may have for the city’s failure to fulfill its obligations pursuant to this project.

Section I. Introduction and Background

This document published by the Biddeford Recreation Department.

The Recreation Department is responsible for program development and delivery to the citizens of Biddeford. The department also is responsible for the Capital Projects within the city's parks, fields, and the J. Richard Martin Community Center. The department also oversees the scheduling of parks and fields, the operations of the J. Richard Martin Community Center and the oversight of staffing and activities on city beaches.

The Biddeford Recreation Department is requesting proposals to for a design build and installation of a bathhouse and lifeguard station at Gilbert Boucher Park, Mile Stretch Road, in the City of Biddeford. The City will select one supplier for this project. *There are two separate bids in this project.*

The term "invitation to bid" shall mean the complete assembly of related materials, whether attached or incorporated by reference, which is furnished to perspective bidders for requesting sealed bids.

Section II. Specifications

- A) Description: The work shall consist of the furnishing; construction and delivery of a new design build structure. The work shall include installation of a concrete slab to satisfy a building floor plan for a 32' x 28' single story structure. The City will consider alternate building sizes as long as the general floor area and number of rooms is similar to the suggested specifications and it does not have an adverse impact on parking or site circulation.
- B) Construction: All work shall meet the requirements of the City and comply with applicable standards and codes. The entire structure will be thoroughly inspected by the City prior to the City occupying the building. All work performed must meet established industry standards of quality to be acceptable. Any unacceptable work and code or other deficiencies must be corrected at the successful bidder's expense. Final payment will not be released until such deficiencies are corrected to the satisfaction of the City.
- C) Variations from Materials Specified: All identification of products is intended to be descriptive, but not restrictive, and is used to indicate the quality and characteristics of products that are satisfactory. The City will consider all alternates submitted by the prospective Bidder. Prospective bidder shall include in the submitting affirmative evidence that alternates/substitutions are equivalent (or equal) to brand name specifications. The City is not bound to accept any alternates or substitutions if not equivalent/or equal to specifications. The final determination as to quality of the product offered shall be by the City at its sole discretion and based on information furnished by the Successful Bidder, as well as information reasonably available.

D) General Requirements:

The City of Biddeford is seeking bids for a Bathhouse project. **Bids shall be submitted in two forms.**

Site details: Geotechnical borings found ledge at 2.5 feet to 3.6 feet below the surface.

Bid 1: Weatherized shell with interior stud partitions/ poured foundation/ or frost protected monolithic slab. Concrete area to be 32' x 28' minimum.

Exterior: Siding, roofing, windows, and doors must be included. Details: Sand color vinyl siding or like/ white metal flashing/ white vinyl soffit including all areas in patio area/white vinyl windows (size determined by Recreation Director) white exterior metal doors with no windows/ 6 foot white metal roll up door/ roofing to be brown or like color (Asphalt).

Interior: underground plumbing for number of fixtures listed on concept plan, this includes the building sewer terminated not less than 2 feet from building foundation.

Three conduits in slab for future water line 2", electrical 2", communication 2"

Bid 2: Weatherized shell with interior stud partitions

Exterior: Siding, roofing, windows, and doors must be included. Details: Sand color vinyl siding or like/ white metal flashing/ white vinyl soffit including all areas in patio area/white vinyl windows (size determined by Recreation Director) white exterior 36" metal doors with no windows/ 6 foot white metal roll up door/ roofing to be brown or like color (Asphalt)

This project consists of design, procurement and installation of a bathhouse/ lifeguard station. All equipment will be assembled and installed by the supplier or will supervise the assembly and installation by a subcontractor.

Required items:

- The bath house is to be a 32 x 28 , max 896 square feet, design build structure with the following areas:
- 32 x 16 porch/ deck with partial to full roof covering complete with ADA accessible ramp.
- All restrooms complete with infant changing area, sink and toilet.
- 2 of the restrooms will be ADA complaint accessible bathrooms with ADA accessible toilet and sink.
- A lifeguard triage space with room for a bench/ resting area and first aid storage.
- A universal storage area approximately 120 square feet, with a minimum 6 ft. wide roll up door.
- Lifeguard triage and storage areas shall include have at least 4, 110V GFI electrical outlets in each, a wash sink in triage area, and a slop sink in the storage area.
- Provide a complete and operable product to the satisfaction of the owner.

Coordination with the Recreation, Code Enforcement and Public Works/Parks Departments is required of the winning bidder.

The City shall select the vendor whose proposal and/or oral presentation(s) if requested, demonstrate in the City’s sole opinion, the clear capability to fulfill the purposes of this RFP in an effective manner. The City reserves the right to accept or reject proposals, completely or in part, and to negotiate separately as necessary in order to serve the best interests of the City.

General Selection Criteria

The proposals shall be evaluated based on the following six (6) criteria, listed in order of significance:

- Price;
- Quality;
- References;
- Energy efficiency
- Longevity/maintenance requirements
- Schedule.

Selection Process

Initial review will begin with the Recreation Department, Public Works Department and Code Enforcement Department. This group will evaluate the proposals and make a recommendation to the City Finance Committee and the Biddeford City Council.

Selection and Implementation Timeline (subject to change depending on committee schedules)

Day/Date	Timeline Subject
Monday, September 9, 2024	Publish RFPS
Monday, September 30, 2024 2:00pm	Deadline for RFPS proposal submissions
Tuesday, October 1, 2024	Recommendation to COO
Tuesday, October 15, 2024	Recommendation to Finance Committee
Tuesday, October 15, 2024	Recommendation to City Council
Tuesday, April 1, 2024	Anticipated project completion date

Contract(s) Awarded and Pricing Structure

The contract will be awarded to a single vendor or general contractor to provide all materials, equipment and labor necessary to design, furnish and install a complete project.

Contract Term

The City desires to enter into a design/construction contract with the successful vendor with all work to be completed by April 1, 2025. If the City and the selected vendor are unable to negotiate and sign a contract then the City reserves the right to seek an alternative vendor(s).

Contract Termination

The City of Biddeford may cancel the contract(s) upon 30 days' written notice, with or without cause. In the event of cancellation, the vendor will be paid based on work performed at rates negotiated in the final contract(s).

Applicable Law

Contracts entered into as a result of this BID shall be governed and interpreted under the laws of the State of Maine.

Contract Assignment

A contract or any part hereof entered into as a result of this BID shall not be assigned, sublet, or transferred directly or indirectly to any entity without prior written consent of the City.

Entire Agreement

A written contract and any modifications or addenda thereto, executed in writing by both parties constitutes the entire agreement of the parties to the contract. All previous communications between the parties whether oral or written, with reference to the subject matter of this contract are void and superseded. The resulting contract may be amended at a future date in writing by mutual agreement of the parties.

Deviations and Exceptions

Deviations from and exceptions to terms, conditions, specifications or the manner of this BID shall be described fully on the vendor's letterhead stationery, signed and attached to the proposal submittal page(s) where relevant titled "Exceptions". In the absence of such statement, the vendor shall be deemed to have accepted all such terms, conditions, specifications and the manner of the BID. A vendor's failure to raise an issue related to the terms, conditions, specifications or manner of this BID prior to the proposal submission deadline in the manner described should constitute a full and final waiver of that vendor's right to raise the issue later in any action or proceeding relating to this BID.

Duration of Offer

All proposals must indicate the proposal is valid for a minimum of four months from the date of the proposal opening unless extended by mutual written agreement between the City and the vendor. If a contract has not been signed prior to four months from the date of opening the successful bidder may confirm the costs within the proposal, update the costs within the proposal, or withdraw the proposal at the successful bidder's sole discretion.

Prices and terms of the proposal as stated must be valid for the length of the resulting contract.

Bid Security

Proposals in excess of \$50,000 shall include performance and payment bonds as specified in Biddeford Code of Ordinances Sec. 2-345 as follows:

- A performance bond in an amount equal to 100% of the price specified in the proposal.
- A payment bond in an amount equal to 100% of the price specified in the proposal.

Performance and payment bonds shall be required prior to contract execution.

Authorized Signature

The proposal must be completed and signed in the individual or corporate name of the vendor, and must be fully and properly executed and signed in ink by an authorized representative of the vendor.

Proposal Rejection and Waiver of Informalities

This BID does not obligate the City to award a contract or complete the proposed project and reserves the right to cancel this BID if it is considered to be in its best interest. The City also reserves the right to waive minor informalities and, notwithstanding anything to the contrary, reserves the right to:

1. Reject any and all proposals received in response to this BID
2. Reject a proposal if it is determined that a vendor's ability to work with the existing infrastructure will be too limited or difficult to manage
3. Negotiate any aspect of the proposal with any vendor, should the City not be able to reach agreement on terms.
4. Terminate negotiations and select the next most responsive vendor for contract negotiations
5. Terminate negotiations, prepare, or cancel the bid.

Section II. Parties to the BID

Parties to this contract shall be the City of Biddeford and the successful vendor(s).

Section III. Vendor Requirements

The vendor selected will provide all design, equipment, labor and materials necessary for a complete installation of the proposed solution.

The vendor is responsible for all permits required federal, state and local.

Vendor will coordinate with the Biddeford Recreation Department and Public Works Department in scheduling of access to the site and removal of any debris.

Authorized City Contact Information

Name: Lisa Thompson
Title: Recreation Director
Address: PO Box 586, Biddeford ME 04005
Telephone: 207-283-0841
E-mail address: lisa.thompson@biddefordmaine.org

Other persons are not authorized to discuss BID requirements before the proposal submission deadline, the City shall not be bound by, and responders may not rely on information regarding BID requirements obtained from non-authorized persons. The questions and subsequent answers to all inquiries will be posted to the City website for all vendors to see. Individual responses will not be issued.

The City reserves the right to name a date at which selected responding vendors will be invited to present demonstrations or participate in an interview as part of the selection process. The City will make every effort to reach a decision by the date identified in the **Selection and Implementation Timeline** above.

Section V. Additional RFP Response and General Contract Requirements

Notice to Vendors and Contractors

As a condition of this project, the selected vendor is required to prepare and submit a W-9 in order to obtain payment from the City. No payment will be made unless and until a valid W-9 was been submitted. The W-9 may be submitted concurrent with contract execution.

Problem Resolution Process

A formal problem resolution process will be established in the contract to address issues raised by either the City or the vendor.

Affidavit of Non-Collusion

All responding vendors are required to provide a certification of non-collusion with the BID response.

Insurance Requirements

[THE INSURANCE REQUIREMENTS BELOW GENERALLY REPRESENTED THE MINIMUMS. DEPENDING UPON THE TYPE OF WORK AND THE RISK INVOLVED, OTHER TYPES OF INSURANCE MAY BE NECESSARY BASED ON FINAL PROJECT PROPOSAL.]

A. The selected vendor will be required to submit an ACORD Certificate of Insurance to the City's authorized representative prior to execution of a contract or agreement listing the City as additional insured. Vendor shall maintain such insurance in force and effect throughout the term of the contract.

B. The selected vendor will be required to maintain and furnish satisfactory evidence of the following:

1. **Workers' Compensation Insurance.** The vendor must provide workers' compensation insurance for all its employees and, in case any work is subcontracted, the vendor will require the subcontractor to provide workers' compensation insurance in accordance with the statutory requirements of the State of Maine, including Coverage B, Employer's Liability, at limits not less than \$100,000.00 bodily injury by disease per employee; \$500,000.00 bodily injury by disease aggregate; and \$100,000.00 bodily injury by accident.
2. **Commercial General Liability.** The vendor will be required to maintain a comprehensive commercial general liability insurance (CGL) policy protecting it from bodily injury claims and property damage claims which may arise from operations under the contract whether the operations are by the vendor or by a subcontractor or by anyone directly or indirectly employed under the contract. The minimum insurance amounts will be:

\$2,000,000.00 per occurrence
\$2,000,000.00 annual aggregate
\$2,000,000.00 annual aggregate – Products/Completed Operations

In addition, the following coverages must be included:

Premises and Operations Bodily Injury and Property Damage
Personal and Advertising Injury
Products and Completed Operations Liability
Blanket Contractual Liability
Name the following as Additional Insureds:
City of Biddeford

3. Commercial Automobile Liability. The vendor will be required to maintain insurance protecting it from bodily injury claims and property damage claims which may arise from operations of vehicles under the contract whether such operations were by the vendor, a subcontractor or by anyone directly or indirectly employed under the contract. The minimum insurance amounts will be

\$2,000,000.00 per occurrence Combined Single Limit (CSL)

In addition, the following coverages should be included:

4. Errors and Omissions (E & O) Insurance. The vendor will be required to maintain insurance protecting it from claims the vendor may become legally obligated to pay resulting from any actual or alleged negligent act, error or omission related to the vendor's professional services required under this contract. The minimum insurance amounts will be

\$2,000,000.00 per occurrence
\$2,000,000.00 annual aggregate

Any deductible will be the sole responsibility of the vendor and may not exceed \$50,000 without the written approval of the City. If the vendor desires authority from the City to have a deductible in a higher amount, the vendor shall so request in writing, specifying the amount of the desired deductible and providing financial documentation by submitting the most current audited financial statements so that the City can ascertain the ability of the vendor to cover the deductible from its own resources.

Additional Insurance Conditions

- Vendor's policy(ies) shall be primary insurance to any other valid and collectible insurance available to the City with respect to any claim arising out of vendor's performance under this contract;
- If vendor receives a cancellation notice from an insurance carrier affording coverage herein, vendor agrees to notify the City within five (5) business days with a copy of the cancellation notice, unless vendor's policy(ies) contain a provision that coverage afforded under the policy(ies) will not be cancelled without at least thirty (30) days advance written notice to the City

- Vendor is responsible for payment of contract related insurance premiums and deductibles
- If vendor is self-insured, a Certificate of Self-Insurance must be attached
- Vendor's policy(ies) shall include legal defense fees in addition to its liability policy limits, with the exception of B.4 above
- Vendor shall obtain insurance policy(ies) from insurance company(ies) having an "AM BEST" rating of A- (minus); Financial Size Category (FSC) VII or better, and authorized to do business in the State of Minnesota; and
- An Umbrella or Excess Liability insurance policy may be used to supplement the vendor's policy limits to satisfy the full policy limits required by the contract.

C. The City reserves the right to immediately terminate the contract if the vendor does not comply with the insurance requirements and retains all rights to pursue any legal remedies against the vendor. All insurance policies must be available for inspection the City and copies of policies must be submitted to the City's authorized representative upon written request.

Financial Audit

The books, records, documents and accounting practices and procedures of the vendor relevant to the contract(s) must be available for audit purposes to the City for seven (7) years after the termination/expiration of the contract.

Conflict of Interest

The vendor must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that it is contemplated in this BID. The list should indicate the names of the entity, the relationship, and a discussion of the conflict.

Organizational Conflicts of Interest

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice, or the vendor's objectivity in performing the contract work is or might be otherwise impaired, or the vendor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the respective City's chief financial officer or the city manager that must include a description of the action, which the vendor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the City may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the City may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the City's rights.

Physical and Data Security

In performance of the contract, the vendor agrees it will comply with all applicable state, federal and local laws and regulations, relating to confidentiality of information received as a result of the contract. Any such confidential information shall be identified by the City. The vendor agrees that it, its officers, employees and agents will be bound by the above confidentiality laws and that it will establish procedures for safeguarding the information as may be applicable.

The vendor agrees to notify its officers, employees and agents of the requirements of confidentiality, and of the possible penalties imposed by violation of these laws. The vendor agrees that neither it, nor its officers, employees or agents will disclose or make public any information received by the vendor on behalf of the City.

The vendor shall recognize the City's sole and exclusive right to control the use of this information. The vendor further agrees it shall make no use of any of the described information, for either internal or external purposes, other than that which is directly related to the performance of the contract.

The vendor agrees to indemnify and hold harmless the City from any and all liabilities and claims resulting from the unauthorized disclosure by the vendor, its officers, employees or agents of any information required to be held confidential under the provisions of the contract. The vendor must return all source data to the "Authorized Representative" to be identified in the contract.

Reimbursements and Payment Terms

Payment are net 30 days of acceptance of invoices. Final payment will not be made until the project is complete and all deficiencies have been addressed and accepted.

Section VI. RFP Responses Submission

Sealed proposals must be received at the following address not later than **Monday, September 30, 2024 2:00pm**

Institution:	City of Biddeford
Name:	Lisa Thompson
Title:	Recreation Director
Mailing Address:	P.O. Box 586
Street Address:	189 Alfred Street
City, State Zip	Biddeford, Maine 04005

The responder shall submit 2 paper copy of its BID response and one electronic copy of the proposal in Adobe Acrobat (PDF) format. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. One copy of the proposal must be unbound and signed in ink by an authorized representative of the vendor.

Proposals received after this date and time will be returned to the responder unopened.

**CITY OF BIDDEFORD
AFFIDAVIT OF NON-COLLUSION**

I swear (or affirm) under the penalty of perjury

1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation)
2. That the attached proposal submitted in response to the _____ Request for Proposal has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Responder is Firm Name: _____

Authorized Signature: _____

Date: _____

Subscribed and sworn to me this _____ day of _____

Notary Public: _____

My commission expires: _____

BID – CONTRACT

PROJECT IDENTIFICATION: City of Biddeford Bath House / Lifeguard Station

THIS BID SUBMITTED TO: City of Biddeford, Maine

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents, to complete all work as specified or indicated in the Contract Documents for the Contract Price, and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the RFP's, including without limitations those dealing with the disposition of performance and payment bonds. This Bid will remain open for a minimum of four months after the Bid opening. BIDDER will sign the Agreement and submit the contract security and other documents required by the contract Documents no later than fifteen (15) days after the date of OWNER'S Notice of Award.
3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that
 - (a) BIDDER has examined copies of all the Contract Documents and the following addenda:

Date	Number
------	--------

(receipt of all which is hereby acknowledged) and also copies of the Invitation to Bid and the Instructions for Bidders;
 - (b) BIDDER has examined the site and locality where the work is to be performed, the legal requirements (federal, state, and local laws, ordinances, rules, and regulations) and the conditions affecting cost, progress, or performance of the work and has made such independent investigation as BIDDER deems necessary;
 - (c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm, or a corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for himself any advantage over any other BIDDER or over OWNER.
4. BIDDER agrees that the work will be completed by **April 1, 2025**.

Respectfully submitted,

By:

Name and Title

For:

(Seal if by a Corporation)

Address:

OUTLINE OF WORK

- Design build of a 28 x 32 structure for restrooms, lifeguard triage and storage.
- Removal of any waste incorporated by install of new equipment.
- Five (5) Year warranty on materials and workmanship.
- Provide a complete and operable product to the satisfaction of the owner.

BID FORM and PROJECT SUMMARY- City of Biddeford

We herewith submit our bid in accordance with the requirements and specifications herein acknowledged as follows:

- i. We carry general liability (including products liability) insurance, which is in force and shall remain in force during the term of this contract.
- ii. We carry worker's compensation insurance, which is in force and shall remain in force during the term of this contract.
- iii. We agree to comply with the general specifications listed in the RFP.
- iv. We acknowledge having the opportunity to inspect each installation and confirm that site conditions are reflected in the bid submittal.

Company Name: _____

Company Address: _____

Company Telephone: _____

Authorized Representative's Name: _____

Authorized Representative's Signature: _____

Representative's Email: _____

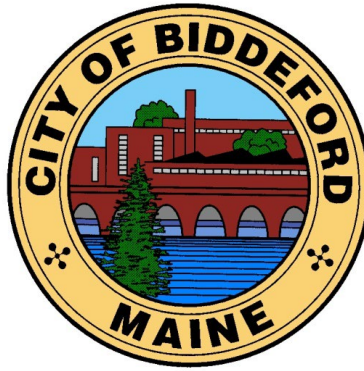
PROJECT SUMMARY:

Bid No. 1

Total Project Cost _____

Bid No. 2

Total Project Cost _____



Requests for Proposals

Bathhouse and Lifeguard Station Gilbert Boucher Park

BIDDEFORD, MAINE 04005

City of Biddeford – Recreation Department



**City of Biddeford
Recreation Department**

Request for Proposals

Bath House and Lifeguard Station for Gilbert Boucher Park

Return proposals to:

Lisa Thompson, CPRP, Recreation Director
City of Biddeford
P.O. Box 586
Biddeford, Maine 04005
207-283-0841

Release Date: 7/8/2024

Bid Due Date: 8-1-2024

Bid Due Time: 2:00PM

The City of Biddeford (herein after referred to as “the City”) shall bear none of the costs incurred by any proposer or potential proposer in their preparation of the proposed solution documents or any visits to inspect the project site. All such costs are the responsibility of the proposer.

SUBMISSION

Proposals are to be submitted in a sealed envelope, plainly marked “City of Biddeford Bath House Project” along with the Company’s name and date and time of the scheduled opening. The CITY, its employees, officers or agents shall not be responsible for any pre-opening or post-opening of any proposal not properly addressed and identified. Proposals made in pencil or forwarded using e-mail and the internet will be rejected.

LIABILITY

Company agrees to indemnify, save, and hold the city, its agents and employees harmless from all claims or causes of action arising from the performance of this agreement by Company or Company’s agents of employees. This clause shall not be construed to bar any legal remedies Company may have for the city’s failure to fulfill its obligations pursuant to this project.

Section I. Introduction and Background

This document published by the Biddeford Recreation Department.

The Recreation Department is responsible for program development and delivery to the citizens of Biddeford. The department also is responsible for the Capital Projects within the city's parks, fields, and the J. Richard Martin Community Center. The department also oversees the scheduling of parks and fields, the operations of the J. Richard Martin Community Center and the oversight of staffing and activities on city beaches.

The Biddeford Recreation Department is requesting proposals to for a design build and installation of a bathhouse and lifeguard station at Gilbert Boucher Park, Mile Stretch Road, in the City of Biddeford. The City will select one supplier for this project.

The term "invitation to bid" shall mean the complete assembly of related materials, whether attached or incorporated by reference, which is furnished to perspective bidders for requesting sealed bids.

Section II. Specifications

- A) Description: The work shall consist of the furnishing; construction and delivery of a new design build structure. The work shall include installation of a concrete slab to satisfy a building floor plan for a 32' x 28' single story structure. The City will consider alternate building sizes as long as the general floor area and number of rooms is similar to the suggested specifications and it does not have an adverse impact on parking or site circulation.
- B) Construction: All work shall meet the requirements of the City and comply with applicable standards and codes. The entire structure will be thoroughly inspected by the City prior to the City occupying the building. All work performed must meet established industry standards of quality to be acceptable. Any unacceptable work and code or other deficiencies must be corrected at the successful bidder's expense. Final payment will not be released until such deficiencies are corrected to the satisfaction of the City.
- C) Variations from Materials Specified: All identification of products is intended to be descriptive, but not restrictive, and is used to indicate the quality and characteristics of products that are satisfactory. The City will consider all alternates submitted by the prospective Bidder. Prospective bidder shall include in the submitting affirmative evidence that alternates/substitutions are equivalent (or equal) to brand name specifications. The City is not bound to accept any alternates or substitutions if not equivalent/or equal to specifications. The final determination as to quality of the product offered shall be by the City at its sole discretion and based on information furnished by the Successful Bidder, as well as information reasonably available.

D) General Requirements:

1. Building shall be a design build single story wood framed, concrete, modular or stick built structure with design loads in accordance with state and local codes.
2. The building will have a pitched roof with a minimum 5:12 pitch.
3. All internal electrical, plumbing, and sewer services will be contracted or executed by the contractor. The contractor will be responsible for the final connections of the services to the new building. The Successful Bidder will coordinate these connections with the City of Biddeford and respective utilities.
4. The new building shall include (6) public restrooms with at least (2) restrooms being handicap accessible. All bathrooms will be gender neutral, have a sink, and baby changing station in each room and each being accessed by its own locking door.
5. The floors can remain concrete but must be properly sealed. All walls and ceilings may remain open at the top. All colors, textures, and finishes for interior and exterior exposed surfaces shall be approved by the City of Biddeford.
6. All interior fixtures and grades shall be ADA complaint.
7. The Successful Bidder shall obtain all necessary building permits through the City of Biddeford Code Enforcement Office including building, plumbing, and electrical permits.
8. The Successful Bidder shall supply their own toilet, water and electricity during construction/set up of the building.
9. The Successful Bidder shall be responsible for providing a complete and ready to move-in condition building for occupation. This includes providing any exterior ramps to provide for ADA accessibility to the building.
10. The Bath House and Lifeguard Station will be ready for the City of Biddeford to occupy no later than **May 1, 2025.**

This project consists of design, procurement and installation of a bathhouse/ lifeguard station. All equipment will be assembled and installed by the supplier or will supervise the assembly and installation by a subcontractor.

Required items:

- The bath house is to be a 32 x 28 , max 896 square feet, design build structure with the following areas:
- 32 x 16 porch/ deck with partial to full roof covering complete with ADA accessible ramp and 2 (two) foot wash areas.
- 4 all gender restrooms complete with infant changing area, sink and toilet.
- 2 ADA complaint accessible bathrooms with ADA accessible toilet and sink.
- Bathroom area shall have a locked closet space for cleaning supplies and equipment.
- A lifeguard triage space, 10x 12, maximum 120 square feet with room for a bench/ resting area and first aid storage.
- A universal storage area, 10 x 12, maximum 120 square feet, with a minimum 6 ft. wide roll up door.
- Lifeguard triage and storage areas shall each include at least 4, 110V GFI electrical outlets, one wash sink in triage area, and one floor/slop sink in the storage area.
- Provide a complete and operable product to the satisfaction of the owner.

Coordination with the Recreation, Code Enforcement and Public Works/Parks Departments is required of the winning bidder.

The City shall select the vendor whose proposal and/or oral presentation(s) if requested, demonstrate in the City's sole opinion, the clear capability to fulfill the purposes of this RFP in an effective manner. The City reserves the right to accept or reject proposals, completely or in part, and to negotiate separately as necessary in order to serve the best interests of the City.

General Selection Criteria

The proposals shall be evaluated based on the following six (6) criteria, listed in order of significance:

- Price;
- Quality;
- References;
- Energy efficiency
- Longevity/maintenance requirements
- Schedule.

Selection Process

Initial review will begin with the Recreation Department, Public Works Department and Code Enforcement Department. This group will evaluate the proposals and make a recommendation to the City Finance Committee and the Biddeford City Council.

Selection and Implementation Timeline (subject to change depending on committee schedules)

Day/Date	Timeline Subject
Monday, July 8, 2024	Publish RFPS
Thursday, August 1, 2024 2:00pm	Deadline for RFPS proposal submissions
Monday, Monday, August 5, 2024	Recommendation to COO
Tuesday, August 19, 2024	Recommendation to Finance Committee
Tuesday, August 19, 2024	Recommendation to City Council
Thursday, May 1, 2025	Anticipated project completion date

Contract(s) Awarded and Pricing Structure

The contract will be awarded to a single vendor or general contractor to provide all materials, equipment and labor necessary to design, furnish and install a complete project.

Contract Term

The City desires to enter into a design/construction contract with the successful vendor with all work to be completed by May 1, 2025. If the City and the selected vendor are unable to negotiate and sign a contract then the City reserves the right to seek an alternative vendor(s).

Contract Termination

The City of Biddeford may cancel the contract(s) upon 30 days' written notice, with or without cause. In the event of cancellation, the vendor will be paid based on work performed at rates negotiated in the final contract(s).

Applicable Law

Contracts entered into as a result of this BID shall be governed and interpreted under the laws of the State of Maine.

Contract Assignment

A contract or any part hereof entered into as a result of this BID shall not be assigned, sublet, or transferred directly or indirectly to any entity without prior written consent of the City.

Entire Agreement

A written contract and any modifications or addenda thereto, executed in writing by both parties constitutes the entire agreement of the parties to the contract. All previous communications between the parties whether oral or written, with reference to the subject matter of this contract

are void and superseded. The resulting contract may be amended at a future date in writing by mutual agreement of the parties.

Deviations and Exceptions

Deviations from and exceptions to terms, conditions, specifications or the manner of this BID shall be described fully on the vendor's letterhead stationery, signed and attached to the proposal submittal page(s) where relevant titled "Exceptions". In the absence of such statement, the vendor shall be deemed to have accepted all such terms, conditions, specifications and the manner of the BID. A vendor's failure to raise an issue related to the terms, conditions, specifications or manner of this BID prior to the proposal submission deadline in the manner described should constitute a full and final waiver of that vendor's right to raise the issue later in any action or proceeding relating to this BID.

Duration of Offer

All proposals must indicate the proposal is valid for a minimum of four months from the date of the proposal opening unless extended by mutual written agreement between the City and the vendor. If a contract has not been signed prior to four months from the date of opening the successful bidder may confirm the costs within the proposal, update the costs within the proposal, or withdraw the proposal at the successful bidder's sole discretion.

Prices and terms of the proposal as stated must be valid for the length of the resulting contract.

Bid Security

Proposals in excess of \$50,000 shall include performance and payment bonds as specified in Biddeford Code of Ordinances Sec. 2-345 as follows:

- A performance bond in an amount equal to 100% of the price specified in the proposal.
- A payment bond in an amount equal to 100% of the price specified in the proposal.

Performance and payment bonds shall be required prior to contract execution.

Authorized Signature

The proposal must be completed and signed in the individual or corporate name of the vendor, and must be fully and properly executed and signed in ink by an authorized representative of the vendor.

Proposal Rejection and Waiver of Informalities

This BID does not obligate the City to award a contract or complete the proposed project and reserves the right to cancel this BID if it is considered to be in its best interest. The City also reserves the right to waive minor informalities and, notwithstanding anything to the contrary, reserves the right to:

1. Reject any and all proposals received in response to this BID
2. Reject a proposal if it is determined that a vendor's ability to work with the existing infrastructure will be too limited or difficult to manage
3. Negotiate any aspect of the proposal with any vendor, should the City not be able to reach agreement on terms.

4. Terminate negotiations and select the next most responsive vendor for contract negotiations
5. Terminate negotiations, prepare, or cancel the bid.

Section II. Parties to the BID

Parties to this contract shall be the City of Biddeford and the successful vendor(s).

Section III. Vendor Requirements

The vendor selected will provide all design, equipment, labor and materials necessary for a complete installation of the proposed solution.

The vendor is responsible for all permits required federal, state and local.

Vendor will coordinate with the Biddeford Recreation Department and Public Works Department in scheduling of access to the site and removal of any debris.

Authorized City Contact Information

Name: Lisa Thompson
Title: Recreation Director
Address: PO Box 586, Biddeford ME 04005
Telephone: 207-283-0841
E-mail address: lisa.thompson@biddefordmaine.org

Other persons are not authorized to discuss BID requirements before the proposal submission deadline, the City shall not be bound by, and responders may not rely on information regarding BID requirements obtained from non-authorized persons. The questions and subsequent answers to all inquiries will be posted to the City website for all vendors to see. Individual responses will not be issued.

The City reserves the right to name a date at which selected responding vendors will be invited to present demonstrations or participate in an interview as part of the selection process. The City will make every effort to reach a decision by the date identified in the **Selection and Implementation Timeline** above.

Section V. Additional RFP Response and General Contract Requirements

Notice to Vendors and Contractors

As a condition of this project, the selected vendor is required to prepare and submit a W-9 in order to obtain payment from the City. No payment will be made unless and until a valid W-9 was been submitted. The W-9 may be submitted concurrent with contract execution.

Problem Resolution Process

A formal problem resolution process will be established in the contract to address issues raised by either the City or the vendor.

Affidavit of Non-Collusion

All responding vendors are required to provide a certification of non-collusion with the BID response.

Insurance Requirements

[THE INSURANCE REQUIREMENTS BELOW GENERALLY REPRESENTED THE MINIMUMS. DEPENDING UPON THE TYPE OF WORK AND THE RISK INVOLVED, OTHER TYPES OF INSURANCE MAY BE NECESSARY BASED ON FINAL PROJECT PROPOSAL.]

A. The selected vendor will be required to submit an ACORD Certificate of Insurance to the City's authorized representative prior to execution of a contract or agreement listing the City as additional insured. Vendor shall maintain such insurance in force and effect throughout the term of the contract.

B. The selected vendor will be required to maintain and furnish satisfactory evidence of the following:

1. Workers' Compensation Insurance. The vendor must provide workers' compensation insurance for all its employees and, in case any work is subcontracted, the vendor will require the subcontractor to provide workers' compensation insurance in accordance with the statutory requirements of the State of Maine, including Coverage B, Employer's Liability, at limits not less than \$100,000.00 bodily injury by disease per employee; \$500,000.00 bodily injury by disease aggregate; and \$100,000.00 bodily injury by accident.
2. Commercial General Liability. The vendor will be required to maintain a comprehensive commercial general liability insurance (CGL) policy protecting it from bodily injury claims and property damage claims which may arise from operations under the contract whether the operations are by the vendor or by a subcontractor or by anyone directly or indirectly employed under the contract. The minimum insurance amounts will be:

\$2,000,000.00 per occurrence

\$2,000,000.00 annual aggregate

\$2,000,000.00 annual aggregate – Products/Completed Operations

In addition, the following coverages must be included:

Premises and Operations Bodily Injury and Property Damage

Personal and Advertising Injury

Products and Completed Operations Liability

Blanket Contractual Liability

Name the following as Additional Insureds:

City of Biddeford

3. Commercial Automobile Liability. The vendor will be required to maintain insurance protecting it from bodily injury claims and property damage claims which may arise from operations of vehicles under the contract whether such operations were by the vendor, a subcontractor or by anyone directly or indirectly employed under the contract. The minimum insurance amounts will be

\$2,000,000.00 per occurrence Combined Single Limit (CSL)

In addition, the following coverages should be included:

4. Errors and Omissions (E & O) Insurance. The vendor will be required to maintain insurance protecting it from claims the vendor may become legally obligated to pay resulting from any actual or alleged negligent act, error or omission related to the vendor's professional services required under this contract. The minimum insurance amounts will be

\$2,000,000.00 per occurrence

\$2,000,000.00 annual aggregate

Any deductible will be the sole responsibility of the vendor and may not exceed \$50,000 without the written approval of the City. If the vendor desires authority from the City to have a deductible in a higher amount, the vendor shall so request in writing, specifying the amount of the desired deductible and providing financial documentation by submitting the most current audited financial statements so that the City can ascertain the ability of the vendor to cover the deductible from its own resources.

Additional Insurance Conditions

- Vendor's policy(ies) shall be primary insurance to any other valid and collectible insurance available to the City with respect to any claim arising out of vendor's performance under this contract;
- If vendor receives a cancellation notice from an insurance carrier affording coverage herein, vendor agrees to notify the City within five (5) business days with a copy of the cancellation notice, unless vendor's policy(ies) contain a provision that coverage afforded under the policy(ies) will not be cancelled without at least thirty (30) days advance written notice to the City
- Vendor is responsible for payment of contract related insurance premiums and deductibles
- If vendor is self-insured, a Certificate of Self-Insurance must be attached
- Vendor's policy(ies) shall include legal defense fees in addition to its liability policy limits, with the exception of B.4 above
- Vendor shall obtain insurance policy(ies) from insurance company(ies) having an "AM BEST" rating of A- (minus); Financial Size Category (FSC) VII or better, and authorized to do business in the State of Minnesota; and
- An Umbrella or Excess Liability insurance policy may be used to supplement the vendor's policy limits to satisfy the full policy limits required by the contract.

C. The City reserves the right to immediately terminate the contract if the vendor does not comply with the insurance requirements and retains all rights to pursue any legal remedies against the vendor. All insurance policies must be available for inspection the City and copies of policies must be submitted to the City's authorized representative upon written request.

Financial Audit

The books, records, documents and accounting practices and procedures of the vendor relevant to the contract(s) must be available for audit purposes to the City for seven (7) years after the termination/expiration of the contract.

Conflict of Interest

The vendor must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that it is contemplated in this BID. The list should indicate the names of the entity, the relationship, and a discussion of the conflict.

Organizational Conflicts of Interest

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice, or the vendor's objectivity in performing the contract work is or might be otherwise impaired, or the vendor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the respective City's chief financial officer or the city manager that must include a description of the action, which the vendor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the City may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the City may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the City's rights.

Physical and Data Security

In performance of the contract, the vendor agrees it will comply with all applicable state, federal and local laws and regulations, relating to confidentiality of information received as a result of the contract. Any such confidential information shall be identified by the City. The vendor agrees that it, its officers, employees and agents will be bound by the above confidentiality laws and that it will establish procedures for safeguarding the information as may be applicable.

The vendor agrees to notify its officers, employees and agents of the requirements of confidentiality, and of the possible penalties imposed by violation of these laws. The vendor agrees that neither it, nor its officers, employees or agents will disclose or make public any information received by the vendor on behalf of the City.

The vendor shall recognize the City's sole and exclusive right to control the use of this information. The vendor further agrees it shall make no use of any of the described information, for either internal or external purposes, other than that which is directly related to the performance of the contract.

The vendor agrees to indemnify and hold harmless the City from any and all liabilities and claims resulting from the unauthorized disclosure by the vendor, its officers, employees or agents of any information required to be held confidential under the provisions of the contract. The vendor must return all source data to the "Authorized Representative" to be identified in the contract.

Reimbursements and Payment Terms

Payment are net 30 days of acceptance of invoices. Final payment will not be made until the project is complete and all deficiencies have been addressed and accepted.

Section VI. RFP Responses Submission

Sealed proposals must be received at the following address not later than **Thursday, August 1, 2024 2:00pm**

Institution:	City of Biddeford
Name:	Lisa Thompson
Title:	Recreation Director
Mailing Address:	P.O. Box 586
Street Address:	189 Alfred Street
City, State Zip	Biddeford, Maine 04005

The responder shall submit 2 paper copy of its BID response and one electronic copy of the proposal in Adobe Acrobat (PDF) format. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. One copy of the proposal must be unbound and signed in ink by an authorized representative of the vendor.

Proposals received after this date and time will be returned to the responder unopened.

**CITY OF BIDDEFORD
AFFIDAVIT OF NON-COLLUSION**

I swear (or affirm) under the penalty of perjury

1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation)
2. That the attached proposal submitted in response to the _____ Request for Proposal has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Responder is Firm Name: _____

Authorized Signature: _____

Date: _____

Subscribed and sworn to me this _____ day of _____

Notary Public: _____

My commission expires: _____

BID – CONTRACT

PROJECT IDENTIFICATION: City of Biddeford Bath House / Lifeguard Station

THIS BID SUBMITTED TO: City of Biddeford, Maine

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents, to complete all work as specified or indicated in the Contract Documents for the Contract Price, and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the RFP's, including without limitations those dealing with the disposition of performance and payment bonds. This Bid will remain open for a minimum of four months after the Bid opening. BIDDER will sign the Agreement and submit the contract security and other documents required by the contract Documents no later than fifteen (15) days after the date of OWNER'S Notice of Award.
3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that
 - (a) BIDDER has examined copies of all the Contract Documents and the following addenda:

Date	Number
------	--------

(receipt of all which is hereby acknowledged) and also copies of the Invitation to Bid and the Instructions for Bidders;
 - (b) BIDDER has examined the site and locality where the work is to be performed, the legal requirements (federal, state, and local laws, ordinances, rules, and regulations) and the conditions affecting cost, progress, or performance of the work and has made such independent investigation as BIDDER deems necessary;
 - (c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm, or a corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for himself any advantage over any other BIDDER or over OWNER.
4. BIDDER agrees that the work will be completed by **May 1, 2025**.

Respectfully submitted,

By:

Name and Title

For:

(Seal if by a Corporation)

Address:

OUTLINE OF WORK

- Design build of a 28 x 32 structure for restrooms, lifeguard triage and storage.
- Removal of any waste incorporated by install of new equipment.
- Five (5) Year warranty on materials and workmanship.
- Provide a complete and operable product to the satisfaction of the owner.

BID FORM and PROJECT SUMMARY- City of Biddeford

We herewith submit our bid in accordance with the requirements and specifications herein acknowledged as follows:

- i. We carry general liability (including products liability) insurance, which is in force and shall remain in force during the term of this contract.
- ii. We carry worker's compensation insurance, which is in force and shall remain in force during the term of this contract.
- iii. We agree to comply with the general specifications listed in the RFP.
- iv. We acknowledge having the opportunity to inspect each installation and confirm that site conditions are reflected in the bid submittal.

Company Name: _____

Company Address: _____

Company Telephone: _____

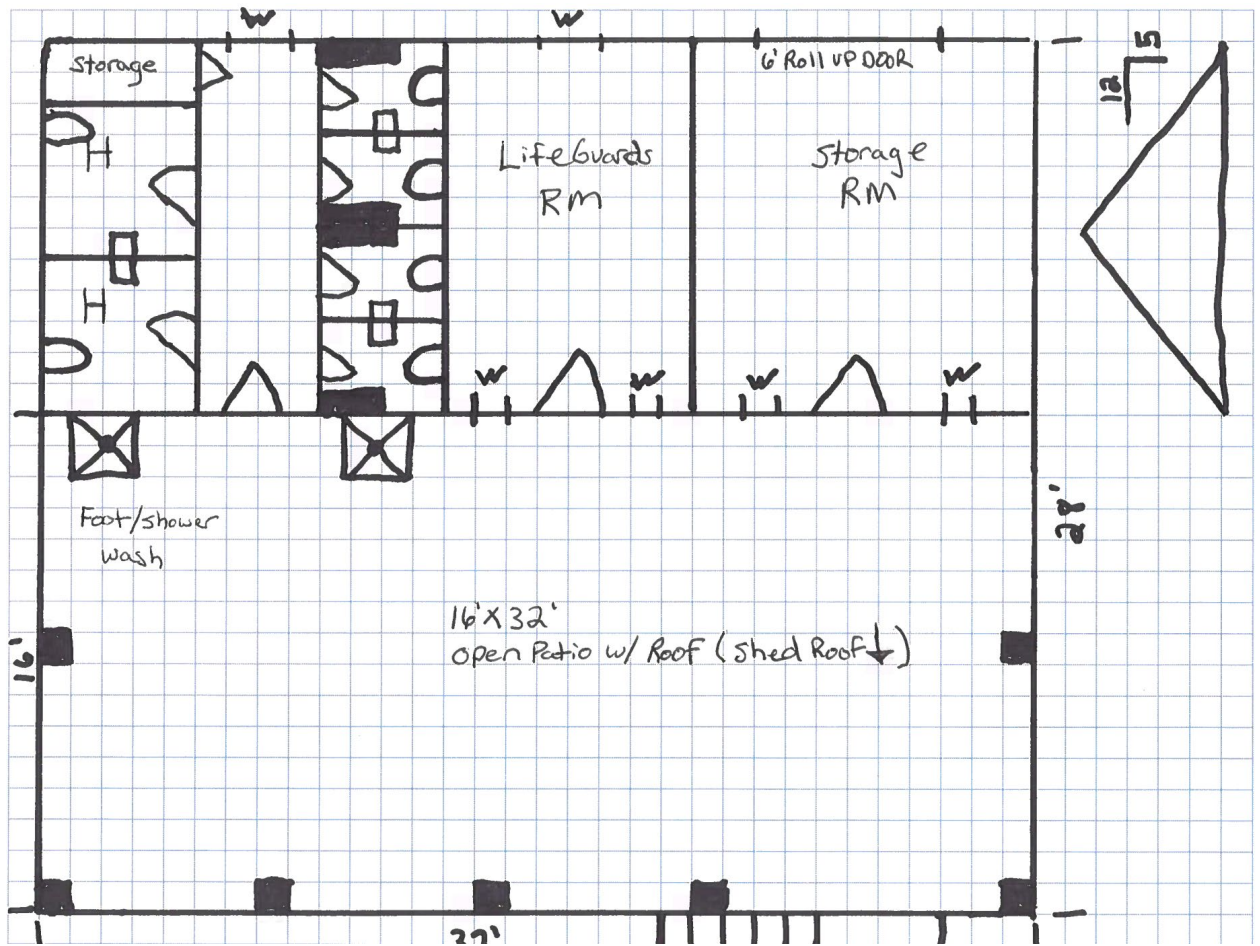
Authorized Representative's Name: _____

Authorized Representative's Signature: _____

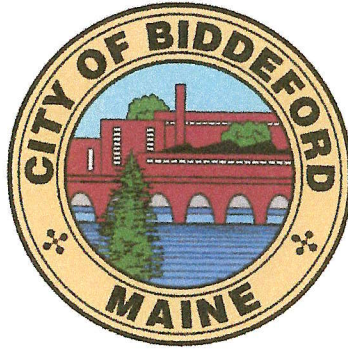
Representative's Email: _____

PROJECT SUMMARY:

Total Project Cost _____



Concept plan of Biddeford "Pool Beach" Bathhouse and Lifeguard Station



Requests for Proposals

Bathhouse and Lifeguard Station Gilbert Boucher Park

BIDDEFORD, MAINE 04005

City of Biddeford – Recreation Department

**CITY OF BIDDEFORD
AFFIDAVIT OF NON-COLLUSION**

I swear (or affirm) under the penalty of perjury

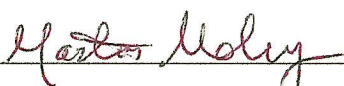
1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation)
2. That the attached proposal submitted in response to the Bellhouse RFP Request for Proposal has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Responder is Firm Name: Doten's Construction

Authorized Signature: 

Date: 7/31/24

Subscribed and sworn to me this 31 day of July 2024

Notary Public: 

My commission expires: _____
Martha A. Mahoney
Notary Public, State of Maine
My Commission Expires 7/26/2026

BID – CONTRACT

PROJECT IDENTIFICATION: City of Biddeford Bath House / Lifeguard Station

THIS BID SUBMITTED TO: City of Biddeford, Maine

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents, to complete all work as specified or indicated in the Contract Documents for the Contract Price, and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the RFP's, including without limitations those dealing with the disposition of performance and payment bonds. This Bid will remain open for a minimum of four months after the Bid opening. BIDDER will sign the Agreement and submit the contract security and other documents required by the contract Documents no later than fifteen (15) days after the date of OWNER'S Notice of Award.
3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that
 - (a) BIDDER has examined copies of all the Contract Documents and the following addenda:

Date	_____	Number	_____
------	-------	--------	-------
 - (b) BIDDER has examined the site and locality where the work is to be performed, the legal requirements (federal, state, and local laws, ordinances, rules, and regulations) and the conditions affecting cost, progress, or performance of the work and has made such independent investigation as BIDDER deems necessary;
 - (c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm, or a corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for himself any advantage over any other BIDDER or over OWNER.
4. BIDDER agrees that the work will be completed by **May 1, 2025**.

Respectfully submitted,

By: Tyler Coffin

Name and Title *Wanam* Senior Estimator

For: Doten's Construction

(Seal if by a Corporation)

Address: 396 US Route 1
Freeport, ME

OUTLINE OF WORK

- Design build of a 28 x 32 structure for restrooms, lifeguard triage and storage.
- Removal of any waste incorporated by install of new equipment.
- Five (5) Year warranty on materials and workmanship.
- Provide a complete and operable product to the satisfaction of the owner.

BID FORM and PROJECT SUMMARY- City of Biddeford

We herewith submit our bid in accordance with the requirements and specifications herein acknowledged as follows:

- i. We carry general liability (including products liability) insurance, which is in force and shall remain in force during the term of this contract.
- ii. We carry worker's compensation insurance, which is in force and shall remain in force during the term of this contract.
- iii. We agree to comply with the general specifications listed in the RFP.
- iv. We acknowledge having the opportunity to inspect each installation and confirm that site conditions are reflected in the bid submittal.

Company Name: Daten's Construction

Company Address: 396 US Route 1 Freeport, ME 04032

Company Telephone: 207-865-4412

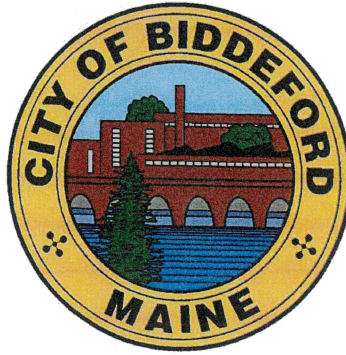
Authorized Representative's Name: Tyler Coffin

Authorized Representative's Signature: 

Representative's Email: Tyler@datens.com

PROJECT SUMMARY:

Total Project Cost ^{\$} 350,671



Requests for Proposals

**Bathhouse and Lifeguard Station
Gilbert Boucher Park**

BIDDEFORD, MAINE 04005

City of Biddeford – Recreation Department



City of Biddeford
Recreation Department

Request for Bids

Bath House and Lifeguard Station for Gilbert Boucher Park

Return proposals to:

Lisa Thompson, CPRP, Recreation Director
City of Biddeford
P.O. Box 586
Biddeford, Maine 04005
207-283-0841

Release Date: 9/9/2024

Bid Due Date: 9-30-2024

Bid Due Time: 2:00PM

The City of Biddeford (herein after referred to as "the City") shall bear none of the costs incurred by any proposer or potential proposer in their preparation of the proposed solution documents or any visits to inspect the project site. All such costs are the responsibility of the proposer.

SUBMISSION

Proposals are to be submitted in a sealed envelope, plainly marked "City of Biddeford Bath House Project" along with the Company's name and date and time of the scheduled opening. Please specify on the envelope " Bid Project #1" and " Bid Project #2". The CITY, its employees, officers or agents shall not be responsible for any pre-opening or post-opening of any proposal not properly addressed and identified. Proposals made in pencil or forwarded using e-mail and the internet will be rejected.

LIABILITY

Company agrees to indemnify, save, and hold the city, its agents and employees harmless from all claims or causes of action arising from the performance of this agreement by Company or Company's agents or employees. This clause shall not be construed to bar any legal remedies Company may have for the city's failure to fulfill its obligations pursuant to this project.

Section I. Introduction and Background

This document published by the Biddeford Recreation Department.

The Recreation Department is responsible for program development and delivery to the citizens of Biddeford. The department also is responsible for the Capital Projects within the city's parks, fields, and the J. Richard Martin Community Center. The department also oversees the scheduling of parks and fields, the operations of the J. Richard Martin Community Center and the oversight of staffing and activities on city beaches.

The Biddeford Recreation Department is requesting proposals to for a design build and installation of a bathhouse and lifeguard station at Gilbert Boucher Park, Mile Stretch Road, in the City of Biddeford. The City will select one supplier for this project. *There are two separate bids in this project.*

The term "invitation to bid" shall mean the complete assembly of related materials, whether attached or incorporated by reference, which is furnished to perspective bidders for requesting sealed bids.

Section II. Specifications

- A) Description: The work shall consist of the furnishing; construction and delivery of a new design build structure. The work shall include installation of a concrete slab to satisfy a building floor plan for a 32' x 28' single story structure. The City will consider alternate building sizes as long as the general floor area and number of rooms is similar to the suggested specifications and it does not have an adverse impact on parking or site circulation.
- B) Construction: All work shall meet the requirements of the City and comply with applicable standards and codes. The entire structure will be thoroughly inspected by the City prior to the City occupying the building. All work performed must meet established industry standards of quality to be acceptable. Any unacceptable work and code or other deficiencies must be corrected at the successful bidder's expense. Final payment will not be released until such deficiencies are corrected to the satisfaction of the City.
- C) Variations from Materials Specified: All identification of products is intended to be descriptive, but not restrictive, and is used to indicate the quality and characteristics of products that are satisfactory. The City will consider all alternates submitted by the prospective Bidder. Prospective bidder shall include in the submitting affirmative evidence that alternates/substitutions are equivalent (or equal) to brand name specifications. The City is not bound to accept any alternates or substitutions if not equivalent/or equal to specifications. The final determination as to quality of the product offered shall be by the City at its sole discretion and based on information furnished by the Successful Bidder, as well as information reasonably available.

D) General Requirements:

The City of Biddeford is seeking bids for a Bathhouse project. **Bids shall be submitted in two forms.**

Site details: Geotechnical borings found ledge at 2.5 feet to 3.6 feet below the surface.

Bid 1: Weatherized shell with interior stud partitions/ poured foundation/ or frost protected monolithic slab. Concrete area to be 32' x 28' minimum.

Exterior: Siding, roofing, windows, and doors must be included. Details: Sand color vinyl siding or like/ white metal flashing/ white vinyl soffit including all areas in patio area/white vinyl windows (size determined by Recreation Director) white exterior metal doors with no windows/ 6 foot white metal roll up door/ roofing to be brown or like color (Asphalt).

Interior: underground plumbing for number of fixtures listed on concept plan, this includes the building sewer terminated not less than 2 feet from building foundation.

Three conduits in slab for future water line 2", electrical 2", communication 2"

Bid 2: Weatherized shell with interior stud partitions

Exterior: Siding, roofing, windows, and doors must be included. Details: Sand color vinyl siding or like/ white metal flashing/ white vinyl soffit including all areas in patio area/white vinyl windows (size determined by Recreation Director) white exterior 36" metal doors with no windows/ 6 foot white metal roll up door/ roofing to be brown or like color (Asphalt)

This project consists of design, procurement and installation of a bathhouse/ lifeguard station. All equipment will be assembled and installed by the supplier or will supervise the assembly and installation by a subcontractor.

Required items:

- The bath house is to be a 32 x 28 , max 896 square feet, design build structure with the following areas:
- 32 x 16 porch/ deck with partial to full roof covering complete with ADA accessible ramp.
- All restrooms complete with infant changing area, sink and toilet.
- 2 of the restrooms will be ADA complaint accessible bathrooms with ADA accessible toilet and sink.
- A lifeguard triage space with room for a bench/ resting area and first aid storage.
- A universal storage area approximately 120 square feet, with a minimum 6 ft. wide roll up door.
- Lifeguard triage and storage areas shall include have at least 4, 110V GFI electrical outlets in each, a wash sink in triage area, and a slop sink in the storage area.
- Provide a complete and operable product to the satisfaction of the owner.

Coordination with the Recreation, Code Enforcement and Public Works/Parks Departments is required of the winning bidder.

The City shall select the vendor whose proposal and/or oral presentation(s) if requested, demonstrate in the City's sole opinion, the clear capability to fulfill the purposes of this RFP in an effective manner. The City reserves the right to accept or reject proposals, completely or in part, and to negotiate separately as necessary in order to serve the best interests of the City.

General Selection Criteria

The proposals shall be evaluated based on the following six (6) criteria, listed in order of significance:

- Price;
- Quality;
- References;
- Energy efficiency
- Longevity/maintenance requirements
- Schedule.

Selection Process

Initial review will begin with the Recreation Department, Public Works Department and Code Enforcement Department. This group will evaluate the proposals and make a recommendation to the City Finance Committee and the Biddeford City Council.

Selection and Implementation Timeline (subject to change depending on committee schedules)

Day/Date	Timeline Subject
Monday, September 9, 2024	Publish RFPS
Monday, September 30, 2024 2:00pm	Deadline for RFPS proposal submissions
Tuesday, October 1, 2024	Recommendation to COO
Tuesday, October 15, 2024	Recommendation to Finance Committee
Tuesday, October 15, 2024	Recommendation to City Council
Tuesday, April 1, 2024	Anticipated project completion date

Contract(s) Awarded and Pricing Structure

The contract will be awarded to a single vendor or general contractor to provide all materials, equipment and labor necessary to design, furnish and install a complete project.

Contract Term

The City desires to enter into a design/construction contract with the successful vendor with all work to be completed by April 1, 2025. If the City and the selected vendor are unable to negotiate and sign a contract then the City reserves the right to seek an alternative vendor(s).

Contract Termination

The City of Biddeford may cancel the contract(s) upon 30 days' written notice, with or without cause. In the event of cancellation, the vendor will be paid based on work performed at rates negotiated in the final contract(s).

Applicable Law

Contracts entered into as a result of this BID shall be governed and interpreted under the laws of the State of Maine.

Contract Assignment

A contract or any part hereof entered into as a result of this BID shall not be assigned, sublet, or transferred directly or indirectly to any entity without prior written consent of the City.

Entire Agreement

A written contract and any modifications or addenda thereto, executed in writing by both parties constitutes the entire agreement of the parties to the contract. All previous communications between the parties whether oral or written, with reference to the subject matter of this contract are void and superseded. The resulting contract may be amended at a future date in writing by mutual agreement of the parties.

Deviations and Exceptions

Deviations from and exceptions to terms, conditions, specifications or the manner of this BID shall be described fully on the vendor's letterhead stationery, signed and attached to the proposal submittal page(s) where relevant titled "Exceptions". In the absence of such statement, the vendor shall be deemed to have accepted all such terms, conditions, specifications and the manner of the BID. A vendor's failure to raise an issue related to the terms, conditions, specifications or manner of this BID prior to the proposal submission deadline in the manner described should constitute a full and final waiver of that vendor's right to raise the issue later in any action or proceeding relating to this BID.

Duration of Offer

All proposals must indicate the proposal is valid for a minimum of four months from the date of the proposal opening unless extended by mutual written agreement between the City and the vendor. If a contract has not been signed prior to four months from the date of opening the successful bidder may confirm the costs within the proposal, update the costs within the proposal, or withdraw the proposal at the successful bidder's sole discretion.

Prices and terms of the proposal as stated must be valid for the length of the resulting contract.

Bid Security

Proposals in excess of \$50,000 shall include performance and payment bonds as specified in Biddeford Code of Ordinances Sec. 2-345 as follows:

- A performance bond in an amount equal to 100% of the price specified in the proposal.
- A payment bond in an amount equal to 100% of the price specified in the proposal.

Performance and payment bonds shall be required prior to contract execution.

Authorized Signature

The proposal must be completed and signed in the individual or corporate name of the vendor, and must be fully and properly executed and signed in ink by an authorized representative of the vendor.

Proposal Rejection and Waiver of Informalities

This BID does not obligate the City to award a contract or complete the proposed project and reserves the right to cancel this BID if it is considered to be in its best interest. The City also reserves the right to waive minor informalities and, notwithstanding anything to the contrary, reserves the right to:

1. Reject any and all proposals received in response to this BID
2. Reject a proposal if it is determined that a vendor's ability to work with the existing infrastructure will be too limited or difficult to manage
3. Negotiate any aspect of the proposal with any vendor, should the City not be able to reach agreement on terms.
4. Terminate negotiations and select the next most responsive vendor for contract negotiations
5. Terminate negotiations, prepare, or cancel the bid.

Section II. Parties to the BID

Parties to this contract shall be the City of Biddeford and the successful vendor(s).

Section III. Vendor Requirements

The vendor selected will provide all design, equipment, labor and materials necessary for a complete installation of the proposed solution.

The vendor is responsible for all permits required federal, state and local.

Vendor will coordinate with the Biddeford Recreation Department and Public Works Department in scheduling of access to the site and removal of any debris.

Authorized City Contact Information

Name: Lisa Thompson
Title: Recreation Director
Address: PO Box 586, Biddeford ME 04005
Telephone: 207-283-0841
E-mail address: lisa.thompson@biddefordmaine.org

Other persons are not authorized to discuss BID requirements before the proposal submission deadline, the City shall not be bound by, and responders may not rely on information regarding BID requirements obtained from non-authorized persons. The questions and subsequent answers to all inquiries will be posted to the City website for all vendors to see. Individual responses will not be issued.

The City reserves the right to name a date at which selected responding vendors will be invited to present demonstrations or participate in an interview as part of the selection process. The City will make every effort to reach a decision by the date identified in the **Selection and Implementation Timeline** above.

Section V. Additional RFP Response and General Contract Requirements

Notice to Vendors and Contractors

As a condition of this project, the selected vendor is required to prepare and submit a W-9 in order to obtain payment from the City. No payment will be made unless and until a valid W-9 was been submitted. The W-9 may be submitted concurrent with contract execution.

Problem Resolution Process

A formal problem resolution process will be established in the contract to address issues raised by either the City or the vendor.

Affidavit of Non-Collusion

All responding vendors are required to provide a certification of non-collusion with the BID response.

Insurance Requirements

[THE INSURANCE REQUIREMENTS BELOW GENERALLY REPRESENTED THE MINIMUMS. DEPENDING UPON THE TYPE OF WORK AND THE RISK INVOLVED, OTHER TYPES OF INSURANCE MAY BE NECESSARY BASED ON FINAL PROJECT PROPOSAL.]

A. The selected vendor will be required to submit an ACORD Certificate of Insurance to the City's authorized representative prior to execution of a contract or agreement listing the City as additional insured. Vendor shall maintain such insurance in force and effect throughout the term of the contract.

B. The selected vendor will be required to maintain and furnish satisfactory evidence of the following:

1. **Workers' Compensation Insurance.** The vendor must provide workers' compensation insurance for all its employees and, in case any work is subcontracted, the vendor will require the subcontractor to provide workers' compensation insurance in accordance with the statutory requirements of the State of Maine, including Coverage B, Employer's Liability, at limits not less than \$100,000.00 bodily injury by disease per employee; \$500,000.00 bodily injury by disease aggregate; and \$100,000.00 bodily injury by accident.
2. **Commercial General Liability.** The vendor will be required to maintain a comprehensive commercial general liability insurance (CGL) policy protecting it from bodily injury claims and property damage claims which may arise from operations under the contract whether the operations are by the vendor or by a subcontractor or by anyone directly or indirectly employed under the contract. The minimum insurance amounts will be:

\$2,000,000.00 per occurrence
\$2,000,000.00 annual aggregate
\$2,000,000.00 annual aggregate – Products/Completed Operations

In addition, the following coverages must be included:

Premises and Operations Bodily Injury and Property Damage
Personal and Advertising Injury
Products and Completed Operations Liability
Blanket Contractual Liability
Name the following as Additional Insureds:
City of Biddeford

3. Commercial Automobile Liability. The vendor will be required to maintain insurance protecting it from bodily injury claims and property damage claims which may arise from operations of vehicles under the contract whether such operations were by the vendor, a subcontractor or by anyone directly or indirectly employed under the contract. The minimum insurance amounts will be

\$2,000,000.00 per occurrence Combined Single Limit (CSL)

In addition, the following coverages should be included:

4. Errors and Omissions (E & O) Insurance. The vendor will be required to maintain insurance protecting it from claims the vendor may become legally obligated to pay resulting from any actual or alleged negligent act, error or omission related to the vendor's professional services required under this contract. The minimum insurance amounts will be

\$2,000,000.00 per occurrence
\$2,000,000.00 annual aggregate

Any deductible will be the sole responsibility of the vendor and may not exceed \$50,000 without the written approval of the City. If the vendor desires authority from the City to have a deductible in a higher amount, the vendor shall so request in writing, specifying the amount of the desired deductible and providing financial documentation by submitting the most current audited financial statements so that the City can ascertain the ability of the vendor to cover the deductible from its own resources.

Additional Insurance Conditions

- Vendor's policy(ies) shall be primary insurance to any other valid and collectible insurance available to the City with respect to any claim arising out of vendor's performance under this contract;
- If vendor receives a cancellation notice from an insurance carrier affording coverage herein, vendor agrees to notify the City within five (5) business days with a copy of the cancellation notice, unless vendor's policy(ies) contain a provision that coverage afforded under the policy(ies) will not be cancelled without at least thirty (30) days advance written notice to the City

- Vendor is responsible for payment of contract related insurance premiums and deductibles
- If vendor is self-insured, a Certificate of Self-Insurance must be attached
- Vendor's policy(ies) shall include legal defense fees in addition to its liability policy limits, with the exception of B.4 above
- Vendor shall obtain insurance policy(ies) from insurance company(ies) having an "AM BEST" rating of A- (minus); Financial Size Category (FSC) VII or better, and authorized to do business in the State of Minnesota; and
- An Umbrella or Excess Liability insurance policy may be used to supplement the vendor's policy limits to satisfy the full policy limits required by the contract.

C. The City reserves the right to immediately terminate the contract if the vendor does not comply with the insurance requirements and retains all rights to pursue any legal remedies against the vendor. All insurance policies must be available for inspection the City and copies of policies must be submitted to the City's authorized representative upon written request.

Financial Audit

The books, records, documents and accounting practices and procedures of the vendor relevant to the contract(s) must be available for audit purposes to the City for seven (7) years after the termination/expiration of the contract.

Conflict of Interest

The vendor must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that it is contemplated in this BID. The list should indicate the names of the entity, the relationship, and a discussion of the conflict.

Organizational Conflicts of Interest

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice, or the vendor's objectivity in performing the contract work is or might be otherwise impaired, or the vendor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the respective City's chief financial officer or the city manager that must include a description of the action, which the vendor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the City may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the City may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the City's rights.

Physical and Data Security

In performance of the contract, the vendor agrees it will comply with all applicable state, federal and local laws and regulations, relating to confidentiality of information received as a result of the contract. Any such confidential information shall be identified by the City. The vendor agrees that it, its officers, employees and agents will be bound by the above confidentiality laws and that it will establish procedures for safeguarding the information as may be applicable.

The vendor agrees to notify its officers, employees and agents of the requirements of confidentiality, and of the possible penalties imposed by violation of these laws. The vendor agrees that neither it, nor its officers, employees or agents will disclose or make public any information received by the vendor on behalf of the City.

The vendor shall recognize the City's sole and exclusive right to control the use of this information. The vendor further agrees it shall make no use of any of the described information, for either internal or external purposes, other than that which is directly related to the performance of the contract.

The vendor agrees to indemnify and hold harmless the City from any and all liabilities and claims resulting from the unauthorized disclosure by the vendor, its officers, employees or agents of any information required to be held confidential under the provisions of the contract. The vendor must return all source data to the "Authorized Representative" to be identified in the contract.

Reimbursements and Payment Terms

Payment are net 30 days of acceptance of invoices. Final payment will not be made until the project is complete and all deficiencies have been addressed and accepted.

Section VI. RFP Responses Submission

Sealed proposals must be received at the following address not later than **Monday, September 30, 2024 2:00pm**

Institution:	City of Biddeford
Name:	Lisa Thompson
Title:	Recreation Director
Mailing Address:	P.O. Box 586
Street Address:	189 Alfred Street
City, State Zip	Biddeford, Maine 04005

The responder shall submit 2 paper copy of its BID response and one electronic copy of the proposal in Adobe Acrobat (PDF) format. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. One copy of the proposal must be unbound and signed in ink by an authorized representative of the vendor.

Proposals received after this date and time will be returned to the responder unopened.

**CITY OF BIDDEFORD
AFFIDAVIT OF NON-COLLUSION**

I swear (or affirm) under the penalty of perjury

1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation)
2. That the attached proposal submitted in response to the Bathhouse & Lifeguard Station Request for Proposal has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Responder is Firm Name: Hardypond Construction

Authorized Signature: _____

Date: 9/30/2024

Subscribed and sworn to me this 30 day of September, 2024

Notary Public: April Bolstridge
April Bolstridge

My commission expires: July 31, 2031

BID – CONTRACT

PROJECT IDENTIFICATION: City of Biddeford Bath House / Lifeguard Station

THIS BID SUBMITTED TO: City of Biddeford, Maine

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents, to complete all work as specified or indicated in the Contract Documents for the Contract Price, and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the RFP's, including without limitations those dealing with the disposition of performance and payment bonds. This Bid will remain open for a minimum of four months after the Bid opening. BIDDER will sign the Agreement and submit the contract security and other documents required by the contract Documents no later than fifteen (15) days after the date of OWNER'S Notice of Award.
3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that

(a) BIDDER has examined copies of all the Contract Documents and the following addenda:

Date	N/A	Number	N/A
------	-----	--------	-----

(receipt of all which is hereby acknowledged) and also copies of the Invitation to Bid and the Instructions for Bidders;

(b) BIDDER has examined the site and locality where the work is to be performed, the legal requirements (federal, state, and local laws, ordinances, rules, and regulations) and the conditions affecting cost, progress, or performance of the work and has made such independent investigation as BIDDER deems necessary;

(c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm, or a corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for himself any advantage over any other BIDDER or over OWNER.

4. BIDDER agrees that the work will be completed by April 1, 2025.

Respectfully submitted,

By: Mark Childs

Name and Title Director of Construction

For: Hardypond

(Seal if by a Corporation)

Address: 7 Tee Drive, Portland, Maine 04103

OUTLINE OF WORK

- Design build of a 28 x 32 structure for restrooms, lifeguard triage and storage.
- Removal of any waste incorporated by install of new equipment.
- Five (5) Year warranty on materials and workmanship.
- Provide a complete and operable product to the satisfaction of the owner.

BID FORM and PROJECT SUMMARY- City of Biddeford

We herewith submit our bid in accordance with the requirements and specifications herein acknowledged as follows:

- i. We carry general liability (including products liability) insurance, which is in force and shall remain in force during the term of this contract.
- ii. We carry worker's compensation insurance, which is in force and shall remain in force during the term of this contract.
- iii. We agree to comply with the general specifications listed in the RFP.
- iv. We acknowledge having the opportunity to inspect each installation and confirm that site conditions are reflected in the bid submittal.

Company Name: Hardypond Construction

Company Address: 7 Tee Drive, Portland, ME 04103

Company Telephone: 207-650-6946

Authorized Representative's Name: Mark Childs

Authorized Representative's Signature: 

Representative's Email: mark@hardypond.com

PROJECT SUMMARY:

Bid No. 1

Total Project Cost \$332,242

Bid No. 2

Total Project Cost \$180,984

**CITY OF BIDDEFORD
AFFIDAVIT OF NON-COLLUSION**

I swear (or affirm) under the penalty of perjury

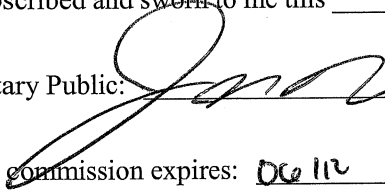
1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation)
2. That the attached proposal submitted in response to the Bathhouse & Lifeguard Station Request for Proposal has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Responder is Firm Name: Hardypond Construction

Authorized Signature: 

Date: August 1, 2024

Subscribed and sworn to me this 1st day of August 2024

Notary Public: 

My commission expires: Dec 12 / 2031

JUSTIN A. JENSEN
NOTARY PUBLIC
State of Maine
My Commission Expires
June 12, 2031

BID – CONTRACT

PROJECT IDENTIFICATION: City of Biddeford Bath House / Lifeguard Station

THIS BID SUBMITTED TO: City of Biddeford, Maine

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents, to complete all work as specified or indicated in the Contract Documents for the Contract Price, and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the RFP's, including without limitations those dealing with the disposition of performance and payment bonds. This Bid will remain open for a minimum of four months after the Bid opening. BIDDER will sign the Agreement and submit the contract security and other documents required by the contract Documents no later than fifteen (15) days after the date of OWNER'S Notice of Award.
3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that
 - (a) BIDDER has examined copies of all the Contract Documents and the following addenda: Addenda not issued

Date	08/01/2024	Number	N/A
------	------------	--------	-----
 - (b) BIDDER has examined the site and locality where the work is to be performed, the legal requirements (federal, state, and local laws, ordinances, rules, and regulations) and the conditions affecting cost, progress, or performance of the work and has made such independent investigation as BIDDER deems necessary;
 - (c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm, or a corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for himself any advantage over any other BIDDER or over OWNER.
4. BIDDER agrees that the work will be completed by **May 1, 2025**.

Respectfully submitted,

By: Mark Childs

Name and Title Mark Childs, Director of Construction

For: Hardypond Construction

(Seal if by a Corporation)

Address: 7 Tee Drive, Portland, Maine 04103

OUTLINE OF WORK

- Design build of a 28 x 32 structure for restrooms, lifeguard triage and storage.
- Removal of any waste incorporated by install of new equipment.
- Five (5) Year warranty on materials and workmanship.
- Provide a complete and operable product to the satisfaction of the owner.

BID FORM and PROJECT SUMMARY- City of Biddeford

We herewith submit our bid in accordance with the requirements and specifications herein acknowledged as follows:

- i. We carry general liability (including products liability) insurance, which is in force and shall remain in force during the term of this contract.
- ii. We carry worker's compensation insurance, which is in force and shall remain in force during the term of this contract.
- iii. We agree to comply with the general specifications listed in the RFP.
- iv. We acknowledge having the opportunity to inspect each installation and confirm that site conditions are reflected in the bid submittal.

Company Name: Hardypond Construction

Company Address: 7 Tee Drive, Portland, Maine 04103

Company Telephone: 2077976066

Authorized Representative's Name: Mark Childs

Authorized Representative's Signature: 

Representative's Email: mark@hardypond.com

PROJECT SUMMARY:

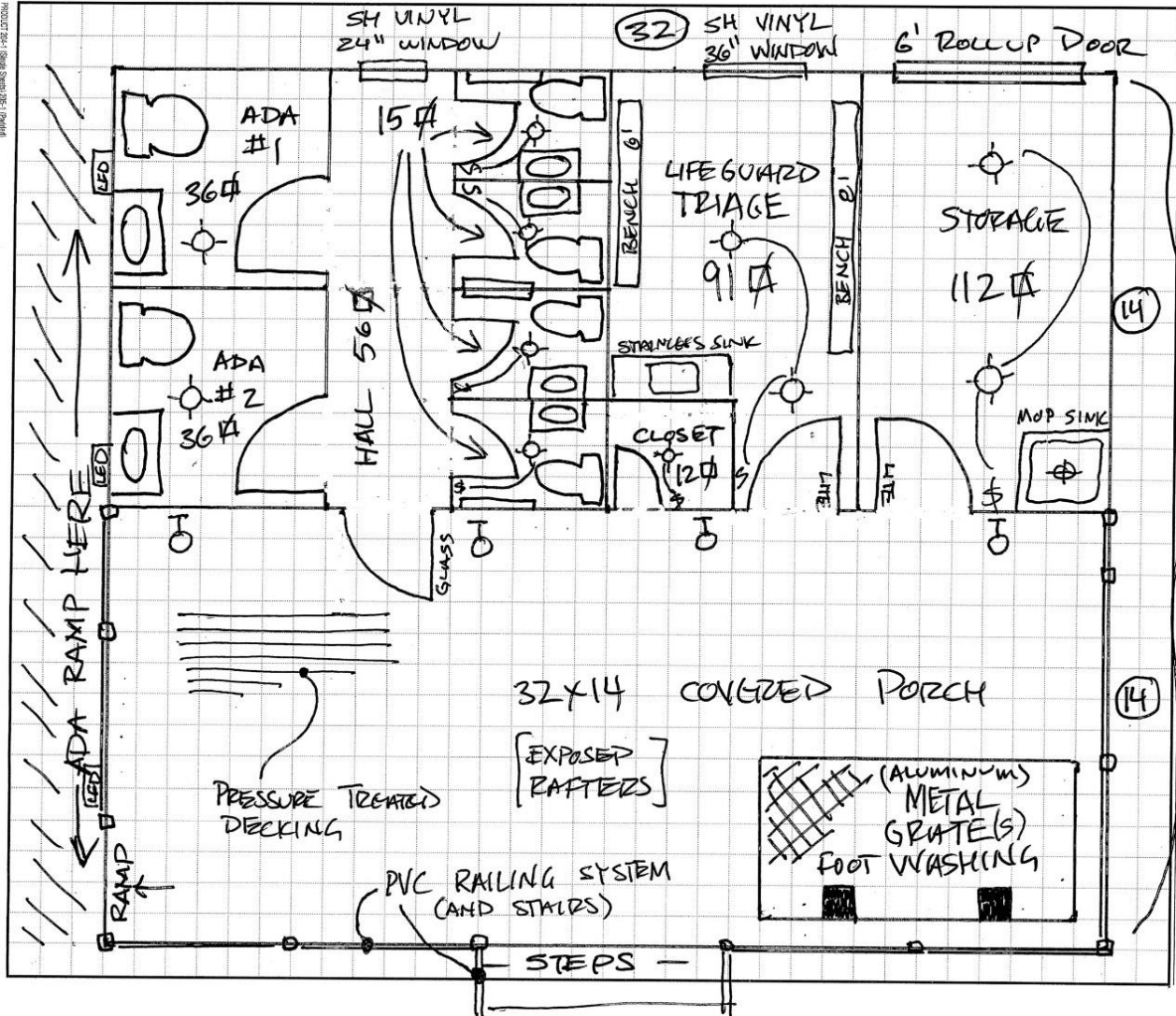
Total Project Cost \$431,628.00

Four Hundred Thirty One Thousand Six Hundred Twenty Eight Dollars and 00.

Concept Elevations



Concept Floor Plan



Hardpond Construction
 7 Tee Drive
 Portland, ME 04103
 207-797-6066

JOB _____ OF _____
 SHEET NO. _____
 CALCULATED BY _____ DATE _____
 CHECKED BY _____ DATE _____
 SCALE _____



City Council

Meeting Date: November 7, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.d
Item Description: 2024.179) Approval/Lease Purchase of New Rear Packer Waste Truck
Submitted By: Jeff Demers, Public Works Director

Supporting Information/Documentation:

202401107 2024.179 Authorization - Lease Purchase of Waste Packer - ORDER, Sourcewell Quote - City of Biddeford ME 10-17-24, City of Biddeford MSW Collection Proposal

Key Terms:

Automated Waste Truck - a top loading waste truck capable of curbside collection of bins without the operator exiting the vehicle.

Rear Packer Waste Truck - a rear loading waste truck requiring hand-loading of bins, overflow, and bagged leaf waste. The vehicle also has the added capability to empty dumpsters.

Executive Summary:

The Public Works Department is requesting that the City Council authorize the lease purchase of a new rear packer waste truck to replace the 2017 Freightliner rear packer. This vehicle is a spare but has been placed into full-time service due to the loss of an automated waste truck.

Replacement of the automated truck has been authorized by the City Council, but delivery is not expected until July 2025. Delivery of a new rear packer waste truck is anticipated to be mid-December 2024. The 2017 Freightliner will remain in the fleet as a spare until the automated truck is received. At that time the vehicle will be sold to maintain the current vehicle count.

Detailed Review:

The Public Works Department is requesting that the City Council authorize the lease purchase of a rear packer waste truck to replace the 2017 Freightliner rear packer currently in use. This request is one fiscal year ahead of the planned request. As you may recall, the City experienced the loss of its latest automated rear packer due to fire in July of this year. The Council authorized the replacement of this vehicle at the October 1, 2024 regular meeting (Order 2024.157). The city received an insurance settlement in the amount of \$396,000 leaving a balance of \$21,220.40. The balance was directed to be paid out of the FY25 CIP appropriation. Delivery of the vehicle is expected in July 2025. In the absence of this automated truck, Public

Works has placed the 2017 Freightliner into full time use. This vehicle is currently used as a spare.

The 2017 Freightliner rear packer has 11,837 hours of use and the back box is very rusted and leaks liquid garbage from trash collection on the roadway. At this time, Public Works does not have any option but to continue to run this truck. Staff did reach out to Casella for a quote to do the daily run if needed. The service is an estimated \$3,500.00 per day or \$69,327.25 per month. Please see the attached document labeled Casella.

The absence of the automated truck and reliance on the 2017 Freightliner leaves waste collection operations with no redundancy. Having no spare truck in case of a breakdown or for additional help with collection during heavy load days, for instance, holidays, etc., causes the need for double runs on any given day. This accelerates wear on the 2017 Freightliner rear packer and also causes delays in collection times. Staff had planned to ask the City Council to replace the 2017 Freightliner as part of the 2025/2026 budget process, but thought it would be in the best interest of the city to request this waste truck early to avoid any unforeseen issues as best we can. If the lease purchase is authorized, Public Works can expect delivery mid-December 2024 if the order is placed this week. The date will move based on the actual order date. The discrepancy between delivery dates of the rear packer and the automated truck is due to the complexity of the automated vehicle. Public Works recommends having a rear packer in the fleet otherwise the City will no longer have the ability to empty dumpsters or perform bagged leaf collection. The rear packer is designed for this type of activity.

Operational issues aside, staff also looked at a new automated third truck; both diesel and electric. Electric is estimated at \$750,000 without charging station. Staff does not have quotes at the time of this document being prepared for diesel. Quotes should be available at the time of the meeting.

If the lease purchase is authorized Public Works anticipates the rear packer to cost approximately \$304,420. The estimated monthly payment for a 7-year lease would be approximately \$4,161 at 4% interest. The lease terms would be negotiated to obtain the best rate possible.

Once the new rear packer arrives, if authorized, Public Works will return the 2017 Freightliner rear packer to spare status. Once the new automated waste truck arrives in July the 2017 Freightliner rear packer will be sold maintaining the fleet at the current number of three (3) vehicles.

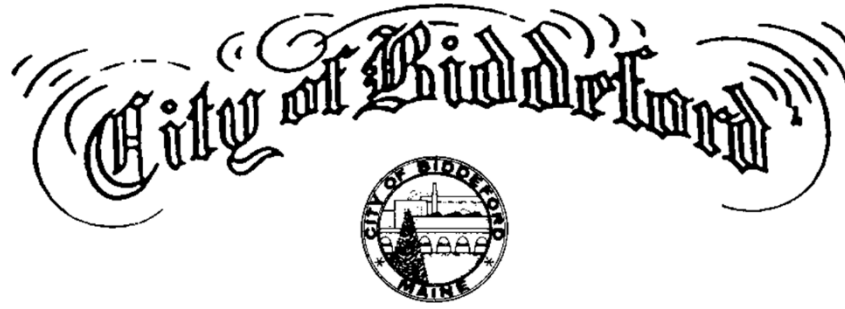
If the lease purchase is not authorized, the 2017 Freightliner will remain in use full-time until the new automated truck arrives in July and will remain in the fleet as a spare until removed or replaced. If the 2017 Freightliner should break or is otherwise required to be taken out of service the City would likely need to contract with Casella for some duration in order to continue to service the community.

Funding Source:

Public Works requests authorization for the lease purchase of a rear packer waste truck in the amount of \$304,420. This results in a monthly lease of approximately \$4,161/month for a 7-year lease at 4% interest. The 2017 Freightliner rear packer would be sold once the new rear packer arrives.

Staff Recommendation:

Staff recommends the purchase of a new rear packer waste truck to replace the existing 2017 Freightliner rear packer. Public Works is currently down one waste truck until July 2025. Staff will be available for any questions.



2024.179

IN BOARD OF CITY COUNCIL...November 7, 2024

BE IT ORDERED, that the City Manager be authorized to purchase one (1) Peterbilt Leach 2R-III series waste truck as per price estimate dated 10/21/2024 from Sanitary equipment Co. Inc., an Authorized Representative for Labrie and may pay the Vendor an amount not to exceed \$304,419.02 for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment.
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$304,419.02
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$304,419.02, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on November 7, 2024. The lease-purchase of this item is not included in the FY25 Budget. Any cash requirements will come from operational savings during the FY25 Budget year.



175-B Route Marie-Victorin
Lévis, Quebec
G7A 2T3
1-800-463-6638
fax: 418-831-5255



Client: Sanitary Equipment Co., Inc.
Contact: Sean Murphy
Address: 25 Industry Drive
West Haven, CT 06516
Phone/Fax: 203-933-9599 / 203-933-4271
Distributor: Sanitary Equipment Co., Inc.

User: Biddeford, ME City of – AURH (21653A Rev3)
Contact: Joe Lovejoy - Jerry Court
Address: 371 Hill Street
Biddeford, ME 04005
Phone/Fax: 207-282-1579 / 207-286-9395
Price List: 2025-A

Shipping address if different from above: Picked up by Sanitary Equipment
Chassis delivery: Canada: 175-B route Marie-Victorin, Lévis, QC, Canada G7A 2T3

DESCRIPTION					Price
Model:	Leach 2R-III	Capacity:	25yrd		\$97,930.00
Chassis MFR:	Peterbilt	Model:	548	Axle:	6 x 4
Engine:	PX-9, 300HP	Cab:	Conventional	Aux. Axle:	No
Transmission:	3000 RDS Series				
Driving config at del.:	LH drive only				
Chassis Dealer:	Peterbilt of Atlanta	S/N:			
Contact Email:	jusher@peteatlanta.com	WD #:			
Other:		Availability:			
Cab color:	White	Initials:			
Body color:	Omaha Orange				
Chassis color:	Factory black	Paint scheme:	Match cab:	NO	
Cart type:		Cart make:	Capacity:		
Position:		Size:			
Additional manuals:	0				
Cans and Tipper:					
	Perkins D6220 - 27K (2) American style				\$15,340
Hopper Area:					
	Chromium Carbide Packer Shoes and Rails				
	Packer Controls on Curbside				
Hydraulics:					
	JIC Hyd. Hoses w/Nylon Protective Sleeves				
	Muncie Hotshift PTO w/Overspeed Protection				
	Denison Single T6D Hyd. Pump				\$590
	Hyd. Tank Mounted In Body				
Accessories:					
	Broom & Shovel Holders				\$390
	(2) Standard Riding Steps & Standard TG Seal				
	1/4" Hardox 450 Ramp Liners				\$1,910
	12v Standard Electrical System - No Modules				
Camera:					
	Single Rear Camera System w/Heater & Shutter				\$3080
	Safety Vision 7" Color Monitor - Center Mounted				
Lighting:					
	LED Backup Lights Above Hopper Centered				\$890
	LED Hopper Work Light				\$410
	(4) Oval Amber Strobes Front & Rear of Body				\$1,480
	(1) Strobe Beacon Streetside w/Gaurding				\$660
	Body Painted to Match Biddeford Units				\$2,570
Warranty:					
	1 Year Standard Warranty				

Notes: Also INCLUDED in price (Supply by Sanitary Equip.): * Transport to City of Biddeford, ME from Labrie Quebec NET: \$6,000.00 USD * Pre-Delivery Inspection NET: \$500.00USD * Complete Reeving Winch Install with Controls, Latch and Ears.	
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Total (body, Chassis)	\$303,999.00
-2% Discount	\$6,079.98
Sub Total	\$297,919.02
PDI	\$500.00
Freight	\$6,000.00
Total net	\$304,419.02
FOB Biddeford, ME	Included
Fuel surcharge	\$0.00
Total net (unit)	\$304,419.02
Number of units	1
Grand Subtotal	\$304,419.02
Grand Total	\$304,419.02
Currency	USD (\$)

Labrie Rep./Francois Leblond

Terms	Body: Net 30 days Chassis (If applicable): Net on delivery for release of MSO
Weight Distribution	Quotes and pricing are subject to changes pending on WD analysis which can alter specs. Upon receipt of PO and chassis specs WD will be conducted and confirmation of acceptance will be issued.
Delivery	To be confirmed
Taxes	Not included
Disclaimer	It is the quoting distributor’s responsibility to verify the accuracy of this quote versus the specification for the body and chassis. Labrie Environmental Group will not be responsible for any price differential between this quotation and what is required by the provided specifications. Interest fees on past due account of 1.5% per month (18% annual). Price list subject to change at all times due to the steel price index. Labrie Environmental Group (LEG) does not accept floorplan charges, back charges, liquidated damages or third-party claims for any reason or cause, whether expressed or implied by specifications or other form of communication, including purchase order terms and conditions unless approved in writing by CEO or CFO at time of quotation. Labrie Environmental Group (LEG) and/or seller shall not be responsible for any failure to perform, or delay in performance of, its obligations resulting from the COVID-19 pandemic or any future epidemic.



ESTABLISHED 1975

July 5, 2024

City of Biddeford
Jeff Demers, Director of Public Works
Rocco DeLuca, Solid Waste Supervisor
371 Hill Street
Biddeford, ME 04005

Proposal for the Collection of Municipal Solid Waste- City of Biddeford

Dear Jeff and Rocco,

Pine Tree Waste, Inc, and wholly owned subsidiary of Casella Waste Systems Inc, ("Casella") is pleased to provide the City of Biddeford ("City") with a price proposal for the curbside collection of municipal solid waste. As the leading resource management company in the Northeast, we have nearly five decades of experience in collecting, hauling, and processing services, as such, we believe Casella is the most qualified partner to meet the City's material management needs.

In conjunction with Casella's longstanding environmental service expertise, Casella recovers over one million tons of recyclables and organic residuals for beneficial use each year. We are committed to working collaboratively with the City's to meet its goals; both environmentally and economically. We are committed to building a diverse workforce that is passionate about serving our customers, adhering to the highest ethical standards, complying with all state and federal regulations, all the while improving our communities and environment.

In addition to solid waste and recycling services, we often deploy education and other value-added services such as mattress recycling and new technology to our customers, as desired. Our proposal outlines the pricing for collection of municipal solid waste for a term of 5 years.

We feel that this proposal reflects our strong desire to continue our esteemed partnership. If at any time you have any questions, please feel free to reach me at (207) 604-4522.

Sincerely,

Chris McHale

Chris McHale
Market Area Manager

Scope of Services

Curbside Collection Services for Municipal Solid Waste

The City of Biddeford will continue to be serviced by our local hauling division located at 87 Pleasant Hill Rd, Scarborough, ME where our administrative offices and fleet vehicles are dispatched. Casella is fully equipped to provide and maintain equipment to service the City of Biddeford in addition to being fully qualified and licensed in accordance with all applicable Federal, State, and local laws. Our trucks are routinely serviced and inspected.

Disposal

All Municipal Solid Waste collected locally will be delivered to Casella's Westbrook Transfer station under the existing agreement.

Equipment

Casella would purchase two new Automated Side Load trucks to be able to collect the the City of Biddeford's MSW. Casella's short term solution is to rent two ASL trucks to be able to perform automated collection of MSW for the first two years, or until the new equipment arrives.

Our Team

Our local team takes pride in the service we deliver to our municipal customers. The City of Biddeford's Public Works Department and Officials will have a direct line to our local operations team to ensure any daily service issues are resolved promptly. Casella will have the following resources overseeing the contract and supporting the City's needs:

Chris McHale: Market Area Manager

Will provide general oversight for all aspects of this contract and ensure all of Gorham's expectations are exceeded by Casella.

✉ christopher.mchale@casella.com
☎ (207) 604-4522

Daniel Coombs: Operations Manager

Will provide direct operational management for all day-to-day hauling, operation, equipment, and maintenance service needs.

✉ daniel.coombs@casella.com
☎ (207) 387-3711

Chris Kanca: Operations Manager

Will provide direct operational management for all day-to-day hauling, operation, equipment, and maintenance service needs.

✉ christopher.kanca@casella.com
☎ (207) 572-0788

Talya Bent: Municipal Account Manager

Will serve as a primary point of contact for the contract and will ensure Casella fulfills the needs and goal objective set fourth by the partnership.

✉ talya.bent@casella.com
☎ (603) 327-9098

Price Proposal: Year 1

Curbside Collection of MSW:

\$69,327.25 per month

Proposal Terms

1. Pricing included in this proposal is **valid for 90 days** from submission date.
2. The term of this agreement is for five (5) years. Casella will need to hire additional drivers to perform MSW collection in Biddeford. Start date to be mutually agreed upon by Casella and the City.
3. Due to the currently backlog of trucks, Casella will use rental trucks for the first two years of the agreement, or until the new automated trucks arrive.
4. Fee will be increased annually on the anniversary of each year of the Term by a percentage equal to the greater of (a) 5.0% or (b) the year-over-year percentage change in the Consumer Price Index for Garbage and Trash Collection. Consumer Price Index increases for Garbage and Trash Collection will be based on the previous 12-month average. Reference is made to: <https://www.bls.gov/news.release/cpi.t02.htm>
5. Mutually Agreeable Fuel Surcharge: Contractor may assess a fee (the "Fuel Adjustor") on a monthly basis to cover increases in Contractor's costs caused by increases in the cost of diesel fuel over a floor price of \$4.25 per gallon (the "Floor Price") based on the listed average price for diesel fuel for the month of service, as set forth on the EIA Retail On Highway Diesel Prices index for New England PADD 1A (the "Index") or a successor index. Each month Contractor will assess a Fuel Adjustor whenever the average monthly Index fuel price listed for the month of service (the "Service Month Index Price") exceeds the Floor Price." The Service Month Index Price can be located on the internet at the following web site: <http://www.eia.gov/petroleum/gasdiesel/> and is listed in the spreadsheet link titled "full history". The Fuel Adjustor will be made according to the following formula:

$$((\text{Service Month Index Price} - 4.25) / 4.25) (10.1\%) (\text{Monthly Fee}) = \text{Fuel Adjustor}$$



City Council

Meeting Date: November 7, 2024

Meeting Time: 6:00 PM

Agenda Item 11.e

No:

Item 2024.180) Approval/School Department Career and Technical Education

Description: Equipment Bond

Submitted By: Jeremy Ray, Superintendent of Schools
(Brief drafted by Brian S. Phinney, COO)

Supporting Information/Documentation:

20241107 2024.180 School Department Career and Technical Education Equipment Bond-
ORDER

Key Terms:

Executive Summary:

The Biddeford School Department requests authorization of a \$491,500 bond to fund equipment, infrastructure improvements, and professional development for the Biddeford Center of Technology. This bond, aimed at enhancing career and technical education programs in high-demand fields, has received conditional approval from the Maine Department of Education. Importantly, the debt service on this bond will be covered by the State of Maine, meaning it will not impact local education taxes. However, there are required milestones in order to ensure transparency and compliance with local and state regulations.

Detailed Review:

The Biddeford School Department requests authorization of a \$491,500 bond to fund equipment, infrastructure improvements, and professional development for the Biddeford Center of Technology. This bond, aimed at enhancing career and technical education programs in high-demand fields, has received conditional approval from the Maine Department of Education. Importantly, the debt service on this bond will be covered by the State of Maine, meaning it will not impact local education taxes.

Key points of the order include:

1. Authorizing a loan agreement with the Maine Municipal Bond Bank.
2. Issuing general obligation bonds to cover the \$491,500 needed for the project.
3. Ensuring that the Mayor, Treasurer, and City Clerk have the authority to execute and deliver all necessary documents.
4. Including a referendum vote scheduled for January 21, 2025, where Biddeford residents will vote to ratify or reject this bond authorization.

This authorization includes key procedural milestones to ensure transparency and compliance with local and state regulations. These steps outline the documentation needed at each stage and the engagement timeline for public awareness and Council action, assuming each subsequent action is in the affirmative:

1. **By November 5:** Post notice of the order in a public place and publish the order in a local newspaper. Required documentation includes the notice, return of posting, and a copy of the newspaper notice.
2. **November 7:** The Council will conduct the first reading of the order during its regular meeting. Documentation of the meeting minutes will be required.
3. **By November 12:** A notice of the upcoming public hearing will be posted in a public place. Documentation will include the notice and return of posting.
4. **November 19:** The Council will hold a public hearing and conduct a second reading of the order. Meeting minutes will be required for this session.
5. **TBD:** The Council will sign the referendum warrant, which will include the Treasurer's signed financial statement. Documentation will include a copy of the signed, attested warrant.
6. **By January 14:** The signed and attested referendum warrant will be posted in a public location, with a return of posting as documentation.
7. **January 21:** A public referendum will be held for Biddeford residents to approve or reject the bond authorization. Certified referendum results will complete the process.

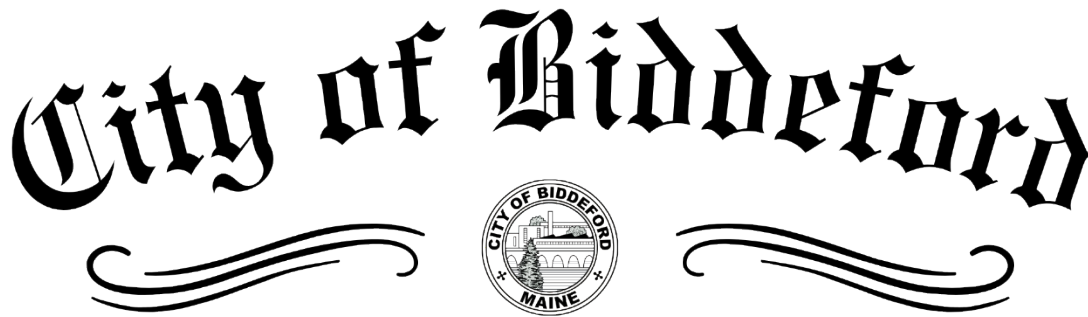
This structured timeline ensures public awareness, offers opportunities for feedback, and prepares for a referendum to approve funding without impacting local education taxes, supporting the enhancement of career and technical education programs.

Funding Source:

The Authorization is for \$491,500.

Staff Recommendation:

The Superintendent of Schools recommends authorizing this request.



**Order Authorizing \$491,500 City of Biddeford Career and Technical Education
Equipment Bond Financing**

2024.180 **IN BOARD OF CITY COUNCIL... November 7, 2024**
BE IT ORDERED, by the City Council of Biddeford as follows:

Whereas, pursuant to section 5953-G of Title 30-A of the Maine Revised Statutes, on August 23, 2024, the Maine Department of Education conditionally approved a Career and Technical Education Equipment Bond to modernize career and technical education programs at the Biddeford Center of Technology and train students for careers in high-demand fields, including \$435,000 for equipment and programs, \$41,500 for minor infrastructure improvements, and \$15,000 for professional development (the “Projects”):

Whereas, the debt service on \$491,500 of bonds or notes shall be paid by the State of Maine with no impact on local educational taxes; and

Whereas, the Council desires to authorize the execution and delivery of a loan agreement in principal amount of \$491,500 and the issuance, sale, and delivery of general obligation bonds of the City in principal amount of \$491,500 to finance the Projects;

Now therefore, be it ordered, by the City Council of the City of Biddeford as follows:

Section 1. Loan Authorized. That pursuant to Maine law, including sections 5953-G and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 and Article XII, Section 7(a) of the Charter of the City of Biddeford, and all other authority thereto enabling, the Treasurer and the Mayor of the City of Biddeford are authorized in the name of and on behalf of the City to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the “Bond Bank”) and the City to effect a loan from the Bond Bank to finance the Projects in the principal amount of \$491,500, for which the debt service thereon shall be paid by the State of Maine; and that the Loan Agreement be in such form as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval;

Section 2. Bond Authorized. That pursuant to Maine law, including sections 5953-G and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 and Article XII,

Section 7(a) of the Charter of the City of Biddeford, and other applicable law, the Treasurer and Mayor of the City be authorized to borrow in the name and on behalf of the City the sum of up to \$491,500 from the Bond Bank to finance the Projects; that in connection therewith, the Treasurer and the Mayor be authorized to issue general obligation securities (bonds or notes) of the City in an original principal amount of up to \$491,500, and to execute and deliver such general obligation bonds or notes in registered form under the seal of the City, signed by the Treasurer, countersigned by the Mayor, and attested by the City Clerk (the "Bond"); that the signatures on the Bond may be facsimile signatures, provided that at least the signature of the Treasurer or the Mayor be a manual signature; and that the Bond be in such form and include such terms not inconsistent herewith as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval.

Section 3. That the Mayor, Treasurer, City Clerk, and other appropriate officials of the City of Biddeford, acting singly, are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with the Loan Agreement and the Bond, including execution and delivery of an Assignment of monies transferred by the State of Maine to pay for Project costs and such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the City, as may be necessary, convenient, or appropriate to accomplish the Projects and to effect the transactions contemplated herein and by the documents referenced herein, and that the City Clerk be authorized to attest to the foregoing and attach the City's seal to any of the foregoing.

Section 4. That if the Treasurer, Mayor, or City Clerk are for any reason unavailable to approve and execute the Loan Agreement, the Bond, the Assignment, or any associated documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, as the "acting" official, or otherwise, are each individually authorized to act for such official with the same force and effect as if such official has herself or himself performed such act.

Section 5. That if any of the officers or officials of the City who have signed or sealed the Loan Agreement or Bond shall cease to be such officers or officials before the Loan Agreement or Bond so signed and sealed shall have actually been authenticated or delivered by the City, such Loan Agreement or Bond nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Loan Agreement or Bond had not ceased to be such officer or official; and also any such Loan Agreement or Bond may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Loan Agreement or Bond, shall be the proper officers and officials of the City, although at the nominal date of such Loan Agreement or Bond, any such person shall not have been such officer or official.

Section 6. That during the term of the Loan Agreement and Bond, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

Section 7. That the sum of \$491,500 is hereby appropriated to finance costs of the Projects, such amount to be raised by the execution and delivery of the Loan Agreement and the issuance and sale of the Bond.

Section 8. That pursuant to Section 2528(5) of Title 30-A of the Maine Revised Statutes and Article XII, Section 7 of the City Charter, the following question, accompanied by the recommendations of the City Council, and the School Committee, shall be submitted to the voters of the City of Biddeford for consideration at a referendum vote to be held on January 21, 2025:

Shall the Order of the Biddeford City Council entitled, "Order Authorizing \$491,500 City of Biddeford Career and Technical Education Equipment Bond Financing," be ratified and approved?

Section 9. That said referendum question be accompanied by a signed financial statement of the Treasurer in accordance with 30-A M.R.S. § 5772(2-A) and Article XII, Section 7(a) of the City Charter.

A true copy as adopted by a majority of the Biddeford City Council, attest:

Robin Patterson
Biddeford City Clerk



City Council

Meeting Date: November 7, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.f
Item Description: 2024.182 Blanket Letter of Approval Games of Chance
Submitted By: Robin Patterson, City Clerk

Supporting Information/Documentation:

Blanket Letter of Approval order

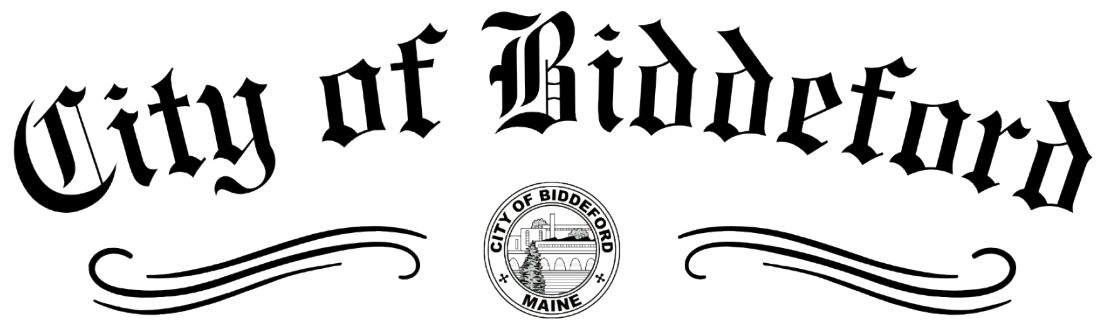
Key Terms:

Executive Summary:

Detailed Review:

Funding Source:

Staff Recommendation:



2024.182

IN BOARD OF CITY COUNCIL... November 7, 2024

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a “blanket letter of approval” for the renewals of State Beano/Bingo applications and State Game of Chance applications for all applicable local organizations, to cover the calendar year of 2024.

NOTE: This Blanket Letter of Approval eliminates the need to obtain Councilors’ signatures each time an application is filed with the City Clerk. However, the City Council still needs to consider and approve each application.

Attest by: _____



City Council

Meeting November 7, 2024

Date:

Meeting 6:00 PM

Time:

Agenda 11.g

Item No:

Item 2024.183) Delete Part II Code of Ordinances, Chapter 42-Motor Vehicles and

Description: Traffic, Article I-In General, Sec. 42-8 Parking Authority

Submitted Brian S. Phinney, COO

By:

Supporting Information/Documentation:

20241107 2024.183 Amend Code of Ordinances - Delete Chapter 42, Sec. 42-8 Parking Authority - ORDER

Key Terms:

Executive Summary:

The Policy Committee reviewed the Code of Ordinances at *Sec. 42-8 Parking Authority* and *Rules of the City Council, Appendix A, Sec. A-5(h)(5) Downtown Committee*. The Policy Committee recommends deleting *Sec. 42-8 Parking Authority* due to changes in the community since the section was first adopted. Support for this Order will remove Sec.42-8 from the Code of Ordinances. This will limit the authority of the Downtown Committee and eliminate the current provision that allows only one reading of specific parking related matters for ordinance changes.

Detailed Review:

The Policy Committee reviewed the authority of the Downtown Committee and Parking Authority at the regular meeting on October 28, 2024.

The Rules of the City Council at Appendix A, Sec. A-5, establishes the Downtown Committee as one of five (5) standing committees of the Biddeford City Council. The Downtown Committee consists of the Mayor, four (4) council members, and a member of the Downtown Development Commission (DDC). The DDC member is a nonvoting member except in the absence of a full-

time voting member.

Section A-5(h)(5) establishes the duties of the Downtown Committee as: reviewing matters affecting the City of Biddeford's downtown, including, but not limited to, downtown improvement initiatives, collaborating with external agencies and businesses on downtown improvement projects, and all minor garage design feature decisions, and is delegated as the Parking Authority with powers limited to those defined in Section 42-8.

The Parking Authority is defined in Chapter 42, Sec. 42-8 as follows:

(a) The City Council may establish rules, regulations and/or other restrictions for parking; or the City Council may delegate authority by Council Order. Any rules, regulations and/or other restrictions so promulgated shall have the full force and effect of an ordinance, except that the delegated authority is limited to the following:

(1) Creation, elimination or relocation of disability parking spots under Sec. 42-100.

(2) Creation, elimination or otherwise amending of limited parking under Secs. 42-56, 42-60, 42-90, 42-91, 42-92, 42.93, and 42.94 to include: timed parking, loading zones, drop off zones, taxi or bus parking, etc.

(3) Creation, elimination or otherwise amending limited parking zones within the municipal surface parking lots identified under Sec. 42-62, e.g., timed parking and the charging of a fee for its use.

(b) Any changes to the parking regulations identified herein shall require only one vote by the Parking Authority to become effective.

For reference, the sections of the Code of Ordinances referenced above are further described below.

Sec. 42-56 Taxi Parking

Sec. 42-60 Time Limit on Loading & Unloading

Sec. 42-62 Identification and Use of Municipal Parking Lots

Sec. 42-90 No Parking

Sec. 42-91 No Parking Tow-Zone Area

Sec. 42-92 Limited Parking

Sec. 42-93 Loading Zones

Sec. 42-94 Taxi Stands

Sec. 42-100 Disability Parking

After review by the Policy Committee there was a unanimous vote to recommend removal of Sec. 42-8 *Parking Authority* from the Code of Ordinances. The rationale for the recommendation is that the conditions within the community have changed since the Downtown Committee was first enacted and the need for rapid decisions on parking-related issues granted to the Downtown Committee through the Parking Authority are no longer

warranted. There may be future recommendations specific to the Downtown Committee to further reflect changes related to the scope of the Downtown Committee and parking conditions within the community.

Funding Source:

N/A

Staff Recommendation:

Staff is neutral regarding this recommendation as this is a policy matter under full control of the City Council. However, staff does not see any negative ramifications if the recommendation is adopted. Removal of Sec 42-8 will limit the authority of the Downtown Committee and eliminate the current provision that allows only one reading of specific parking related matters for ordinance changes.

City of Biddeford



2023.183 IN BOARD OF CITY COUNCIL... NOVEMBER 7, 2024
BE IT ORDAINED by the City Council of the City of Biddeford, as follows:

Amend Part II Code of Ordinances, Chapter 42-Motor Vehicles and Traffic, Article I-In General, Sec. 42-8 Parking Authority, by deleting the section in its entirety.

Chapter 42, Sec. 42-8 Parking Authority

~~(a) The City Council may establish rules, regulations and/or other restrictions for parking; or the City Council may delegate authority by Council Order. Any rules, regulations and/or other restrictions so promulgated shall have the full force and effect of an ordinance, except that the delegated authority is limited to the following:~~

~~(1) Creation, elimination or relocation of disability parking spots under Sec. 42-100.~~

~~(2) Creation, elimination or otherwise amending of limited parking under Secs. 42-56, 42-60, 42-90, 42-91, 42-92, 42-93, and 42-94 to include: timed parking, loading zones, drop off zones, taxi or bus parking, etc.~~

~~(3) Creation, elimination or otherwise amending limited parking zones within the municipal surface parking lots identified under Sec. 42-62, e.g., timed parking and the charging of a fee for its use.~~

~~(b) Any changes to the parking regulations identified herein shall require only one vote by the Parking Authority to become effective.~~

Attest by: _____



City Council

Meeting Date: November 7, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.h
Item Description: FEMA Update January 2024
Submitted By: Roby Fecteau

Supporting Information/Documentation:

Dune area, Dune Restoration - Conceptual Costs by Town -Biddeford, Sand dune damage, 2024-01-30_Biddeford Winter Storm Coastline Damage Exhibit

Key Terms:

Executive Summary:

January storms of 2024 led to wide spread infrastructure damage to seawalls and road damage. Biddeford Emergency Management has been working with FEMA on validation of damages. More recently we submitted a damage inventory request for dune damage.

Detailed Review:

Working with Weston and sampson, Biddeford has approximately 4 million dollars in infrastructure damage. Our engineers are currently in the alternative analysis phase. Once complete, we will bring the recommendations to the City council.

Funding Source:

Staff Recommendation:



Estimated Total Project Costs - Biddeford		
Task Description		Estimated Cost
1	Topographic Surveys	\$19,000
2	Placement Area Geotechnical Investigation / Analysis	\$14,000
3	Offshore Borrow Site Investigation / Analysis	\$40,000
4	Coastal Modeling and Total Water Level Calculations	\$15,000
5	Engineering Design / Cost Estimates / Engineering Report	\$75,000
6	Project Permitting	\$36,000
7	Construction	\$2,280,500
8	Construction Administration / Management	\$114,000
Total		\$2,553,500
Estimated CY		16,400
Price/CY		\$155.70

General Assumptions:

- 1 Dune restoration for about 2,600 linear feet of Fortunes Rocks Beach, Middle Beach, and Gilbert Boucher Park.
- 2 Construction costs (5-year storm) assume 6 cy of sand /LF plus a 5% contingency for losses during transportation (approx. 16,400 cy) will be sourced from an upland quarry.

Notes:

- 1 Assumes on-the-ground RTK survey with transects spaced every 200 ft. (13 transects).
- 2 Cost include preparation of sampling and analysis plan, 1 field day to collect 3 composite samples, laboratory testing, preparation of a final data report, and coordination with quarries.
- 3 Cost includes preparation of Self-Verification Notification Form and sampling and analysis plan, mobilization/demobilizations costs for sampling vessel and crew, 1 field day to collect 5 cores at the Wood Island Harbor and Pool, laboratory costs for 5 sediment samples, and preparation of a final data report
- 4 Cost to gather publicly available data, set up model of southern Maine, set up nested grid of the Biddeford project area, run 5-year storm scenarios, and calculate total water elevations.
- 5 Cost to create fill templates based on coastal modeling results, calculate fill volumes, draft engineering report, create 60% design plans, specifications and cost estimate for permitting and stakeholder review. Finalize 100% design plans, specs, and cost estimate based on stakeholder comments.
- 6 Cost includes coordination with agencies, preparing permit applications and backup for Section 16 Permit By Rule and USACE General/Individual permit for potential offshore borrow site.
- 7 Includes price for contractor to mobilize/demobilize to the site, the purchase, delivery, and placement of sand, and the purchase, delivery, and planting of dune grass. Also includes price for before and after construction surveys and as-builts.
- 8 Assume 5% of construction cost.

Conceptual Construction Cost Estimate -Biddeford (Fortunes Rocks Beach, Middle Beach, and Gilbert Boucher Park)					
Task No.	Task Description	Unit	Quantity	Unit Cost	Cost Estimate
1	Mobilization/Demobilization (10%)	LS	1	\$ 159,500	\$ 159,500
2	Traffic Control	LS	1	\$ 15,000	\$ 15,000
3	Purchase and Delivery of Sand	CY	16,400	\$ 60.00	\$ 984,000
4	Placement of Sand	CY	16,400	\$ 15.00	\$ 246,000
5	Dune Grass	SY	9,000	\$ 30.00	\$ 270,000
6	Surveys / As-Builts	LS	1	\$ 80,000.00	\$ 80,000
Total Cost:					\$ 1,754,500
Contingency (30%):					\$ 526,000
Total Project Cost:					\$ 2,280,500

Figure: Biddeford study area (0.6

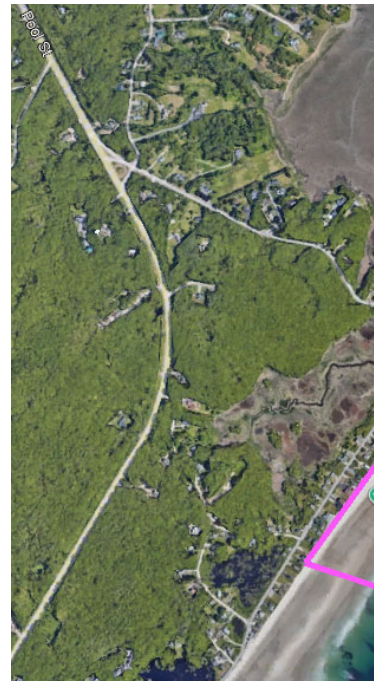


Figure 2: 950 lf of Ocean Ave. In



58 miles, 2,600 lf). From email dated 9/26/24.



improvements... Assume rock will be used. Email Dated 9/17/2024



Fecteau, Roby

From: Will Kochtitzky <wkochtitzky@une.edu>
Sent: Tuesday, October 29, 2024 12:42 PM
To: Fecteau, Roby
Cc: Arthur W Cleaves
Subject: Fwd: EXT: RE: Information for Biddeford dune locations

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Roby,

I will try calling you now, just wanted you to see the latest from Lauren Folkert.

Will

Will Kochtitzky, Ph.D.
iceandclimate.org
Assistant Professor
School of Marine and Environmental Programs
University of New England
Office: Decary Hall 217
11 Hills Beach Rd. Biddeford, ME 04005
207-602-2802
he/him/his

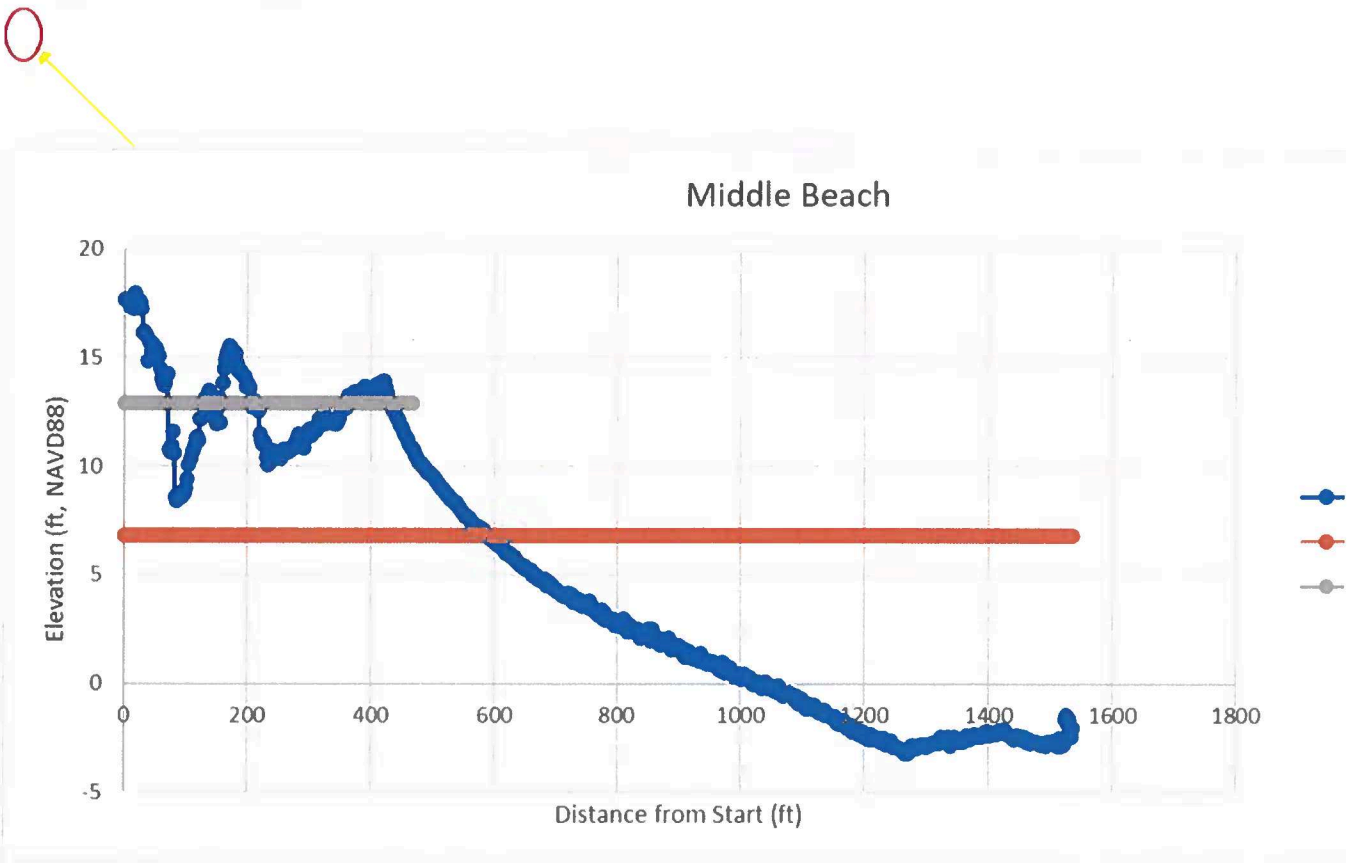
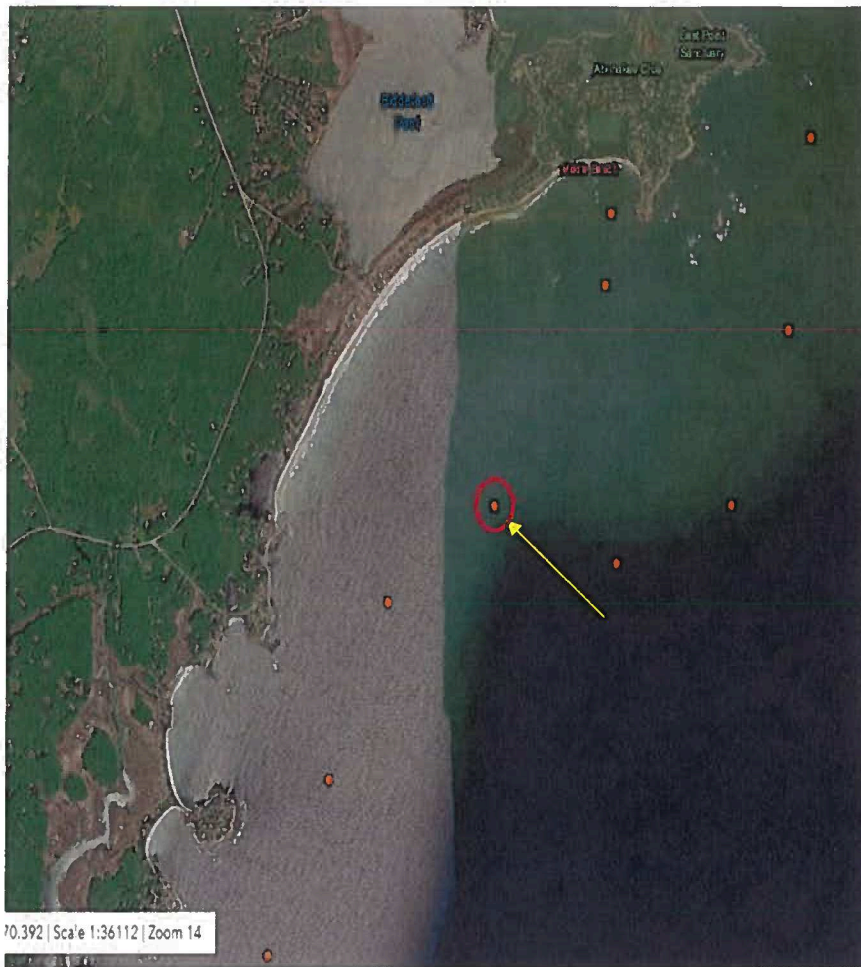
Begin forwarded message:

From: Lauren Folkert <lfolkert@anchoragea.com>
Subject: RE: EXT: RE: Information for Biddeford dune locations
Date: October 29, 2024 at 11:02:09 AM EDT
To: Arthur W Cleaves <awcleaves@yorkcountymaine.gov>
Cc: Will Kochtitzky <wkochtitzky@une.edu>

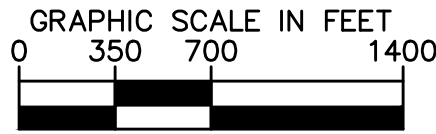
Hi Art,

Using the Hunt (1959) with wave set up $[R_{\eta u} + H_E]$ to calculate wave run up, and the North Atlantic Coastal Comprehensive Study Annual Exceedance Probability from Save Point 2108 to estimate Stillwater elevation for a 5 year storm (6.8 ft NAVD88), TWL for Middle Beach and Gilbert Boucher park were calculated to be 12.9' and 13.7' respectively. Based on existing conditions, Biddeford will likely NOT qualify for Cat B sand placement. Let me know if you have any questions.

Figure: NACCS Save Point 2108



Plotted By: Chekan, Craig Sheet: WINTER STORM COASTLINE DAMAGE Layout: DAMAGE INVENTORY PLAN January 18, 2024 08:33:12am X:_Task_Directory\2024-2024-004 - Winter Storm Coastline Damage CAD\Sheets\C-100 - Damage Inventory Plan - Coast.dwg



DAMAGE INVENTORY PLAN

SCALE: 1" = 700'



- NOTE:**
- HORIZONTAL DATUM: NAD83 MAINE STATE PLANE, WEST, US FOOT (ME83-WF)
 - VERTICAL DATUM: NAVD88

WINTER STORM COASTLINE DAMAGE PREPARED FOR CITY OF BIDDEFORD		BIDDEFORD MAINE		DAMAGE INVENTORY PLAN		CITY OF BIDDEFORD, MAINE ENGINEERING DEPARTMENT 205 MAIN STREET, P.O. BOX 586 BIDDEFORD, MAINE 04005 PHONE: 207-284-9118 WWW.BIDDEFORDMAINE.ORG		No.		REVISIONS		DATE		BY	
SHEET NUMBER		C-100													
DRAWING INFO		DATE 01/18/2024		SCALE AS SHOWN		DESIGNED BY ORC		DRAWN BY		CHECKED BY					