



Town Council - Meeting Agenda

October 15th, 2024 @ 6:30pm
Council Chambers - 1 Portland Avenue

www.oobmaine.com/town-council

**Members of the public wishing to view the meeting from home may tune into Local Access TV (Channel 3 or 1301 - check with your provider) or by clicking the Meeting Videos link on oobmaine.com.)*

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACKNOWLEDGEMENTS:

GOOD & WELFARE:

PRESENTATION:

ACCEPTANCE OF MINUTES:

Accept the minutes from the 10/1/2024 Regular Town Council Meeting.

Chair: Shawn O'Neill

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Nate DelGiudice, (103-1-23), 188 Portland Avenue, one (1) year-round short-term rental.

South Loring, LLC, Robert Slattery, (203-1-1), 8 Portland Avenue, three (3) year-round rentals.

Haitham Farhan, (205-1-30), 58 Portland Avenue, two (2) year-round short-term rentals.

Wishearth Maine House, LLC, Stephan Wishearth, (205-19-23), 10 Smith Avenue, one (1) year-round rental.

Lounes Yacoub, (304-7-1), 78 East Grand Avenue Unit 103, one (1) year-round rental.

Diana Bradway, (302-7-1-8), 152 East Grand Avenue Unit 8, one (1) year-round short-term rental.

Stephen Caiazzo, (323-9-7), 28 Randall Avenue, one (1) year-round short-term rental.

Thomas Curley, (324-16-4), 6 Temple Avenue, one (1) year-round short-term rental.

TF Properties, LLC, Anthony Fernandez, (201-3-1), 6 Little River Road, one (1) year-round short-term rental.

64 Saco Ave, LLC, Carol Curry, (206-10-7), 64 Saco Avenue, one (1) year-round short-term rental.

Drew Gough, (105A-1-820), 2 Mickelson Way, one (1) year-round short-term rental.

Chair: Shawn O'Neill

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #8630

Discussion with Action: Shall the Town Council cancel the regularly scheduled November 5th Town Council meeting for Election Day.

Chair: Shawn O'Neill

AGENDA ITEM #8631

Discussion with Action: Approve the quote from Eastern Salt Company for the purchase of sodium chloride bulk road salt at \$74.74 per ton from account #20151-50515 Road Salt – Winter with a balance of \$85,000.00.

Chair: Shawn O'Neill

Ad Discussion with Action: Approve the bid from Eastern Salt Company for the purchase of sodium chloride bulk road salt at \$74.74 per ton from account 20151-50515 Road Salt – Winter with a balance of \$85,000.

The Town purchases salt for winter road treatment through a regional purchasing agreement administered through the State of Maine Department of Administrative and Financial Services Division of Procurement Services.

Eastern Salt RFO 17A 240514_0282 Salt Municipalities 2024_2025

Results RFO 17A 240514-282 Road Salt for Select Maine Municipalities/Political Subdivisions

Municipality	County	2024-2025 Tonnage	Bid Price Per Ton	Contact Name	Email
Auburn	Androscoggin	4,500	\$78.61	Scott Holland	sholland@auburnmaine.gov
Lewiston	Androscoggin	5,000	\$78.61	Reggie Pousard; Megan Bates; Dana Drew	rpousard@lewistonmaine.gov; dbates@lewistonmaine.gov; mbates@lewistonmaine.gov
Mindel	Androscoggin	3,000	\$77.14	Gina Holland	gina.holland@hollandandispomme.org; Steve Alevoli; Steve Alevoli@ispomme.org; Glenn Michalowski; gmichalowski@ispomme.org
Poland	Androscoggin	900	\$78.61	Danielle Loring	dloring@polandmaine.org
Sabatius	Androscoggin	800	\$79.00	Adam Strout	astrou@polandmaineoffice.org
Turner	Androscoggin	1,540	\$78.25	Tim Kane	tkane@sabatius.org
Wales	Androscoggin	1,100	\$78.60	Kurt Schaub	kurt.schaub@turnermaine.com
Baldwin	Androscoggin	475	\$78.90	Bill Austin	walesroads@hotmail.com
Raymond	Cumberland	800	\$76.50	Chris Harrington	balwynroads@gmail.com
Sebago	Cumberland	1,200	\$75.30	Matt Nielsen	publicworks@powellmaine.org
Standish	Cumberland	1,500	\$76.00	Nate White	nathan.white@raymondmaine.org
Dedham	Cumberland	2,300	\$75.31	Jim Palmer	publicworks@townofsebago.org
Deerham	Hancock	2,600	\$68.24	John Cross/Don Staples/Tasha Pinkham	jcross@standish.org;dstaples@standish.org;lpinkham@standish.org
Elsworth	Hancock	400	\$73.00	Jay Lappier	jlappier@vuxesportsmaine.gov
Lamoine	Hancock	2,400	\$71.00	Michelle Fish; Craig Hamilton	administration@dedhamme.org; craighamilton283@gmail.com
Parsonsclot	Hancock	700	\$74.50	Adam Wilson	awilson@elsworthmaine.gov
Sullivan	Hancock	150	\$75.25	Harold Hatch	hw@lamaine-me.gov
Clinton	Hancock	280	\$75.82	Ray Weintraub/Bud Means	hatchat60@gmail.com
Monmouth	Kennebec	650	\$75.06	Tim Gerow	townmanager@sullivanmaine.org; budmeans@sullivanmaine.org
Vassalboro	Kennebec	750	\$79.90	Tony LaPlante; Justin Poirier	laplante@monmouthmaine.gov; jpoirier@monmouthmaine.gov
Windor	Kennebec	1,150	\$73.90	Brian LaBelle	publicworks@vassalboro.me
Winthrop	Kennebec	1,100	\$73.90	Theresa Haskell	publicworks@windsor.maine.gov
Rockland	Knox	1,100	\$77.50	Matt Burnham	mburnham@winthropmaine.org
Dresden	Lincoln	1,800	\$72.50	Todd Philbrook	philbrook@rocklandmaine.gov
Newcastle	Lincoln	750	\$79.90	Nicole Rogers; Alan Moeller	clerk@dressdenne.org
Wiscasset	Lincoln	1,000	\$73.70	Seth Hagar	roadcommissioner@newcastlemaine.us
Canlon	Lincoln	1,000	\$79.00	Ted Snowden	publicworks@wiscasset.org
Denmark	Oxford	360	\$82.90	Andy Conant	account@canlonme.com
Fryeburg	Oxford	600	\$79.20	Bob Hebert	publicworks@denmarkmaine.org
Greenwood	Oxford	800	\$81.00	Katie Haley/ester France	townmanager@fryeburgmaine.org
Hartford	Oxford	400	\$82.00	Kim Sparks; Richie Diaz	kimsparks@roaahunter.com
Hebron	Oxford	850	\$79.90	Liane Berard	harrford@hebralink.net
Lovell	Oxford	350	\$78.90	Roland Gagner; Gino Valeriani	publicworks@hebronmaine.org; selectboard2@hebronmaine.org
Norway	Oxford	600	\$81.00	Laura Williams	townclerk@lovellmaine.org
Oxford	Oxford	1,100	\$80.80	Steve Powers	spowers@norwaymaine.com
Oxford County	Oxford	1,400	\$78.90	Jim Bennett	jbennet@oxfordmaine.org
Stoneham	Oxford	650	\$78.90	Tony Carier	TCarier@oxfordcounty.org
Sumner	Oxford	96	\$81.97	Kara Jones	igersonstruction@gmail.com; Stoneham2nd@gmail.com
Waterford	Oxford	1,000	\$83.00	Diane Campbell	sumnerme@mesalink.net
Cornish	Penobscot	550	\$78.90	Jim Kidder	townmanager@waterfordme.org
Lincoln	Penobscot	700	\$76.14	Carolyn Chambers	manager@townofcornish.com; carolyn@townofcornish.com
Orono	Penobscot	1,200	\$79.90	Dennis Bullen	dennis.bullen@lincolmaine.org
Norridgewock	Somerset	1,500	\$74.00	Mike Smart; Adam Smart	msmart@oronome.org; asmart@oronome.org
Action	York	500	\$76.40	Richard L. Labelle	rlabelle@norridgewock.gov
Alfred	York	1,200	\$79.20	Bill Langley	wangevtd@gmail.com
Berwick	York	1,300	\$75.88	Karla Wilcox	allred@alfredme.gov
Hollis	York	1,200	\$75.30	Jody Gigon	lgigon@berwickmaine.org
Kennebunkport	York	800	\$79.20	Robert Hanson	rhanson@hollismaine.org
Lebanon	York	1,200	\$78.00	Chris Stinson	csinson@kennebunkportme.gov
Lyman	York	1,200	\$78.80	Lynne Davis	selectmen@lebanonmaine.org
Newfield	York	1,200	\$79.00	Tom Croleau	roadcommissioner@lyman-me.gov
Old Orchard Beach	York	600	\$79.00	Nichole Hubbard	newfields@metrocast.net
Sanford	York	1,150	\$74.74	Mike Hersey	mhersey@oldmaine.com
Shapleigh	York	4,400	\$77.56	Nancy LeBrun; Kate Bangert	nalebrun@sanfordmaine.org
Waterboro	York	900	\$78.90	Michelle Runney	townclerk@shapleigh.net
Wells	York	2,000	\$76.30	Jason Champion	rchampion@waterboromaine.gov
York	York	400	\$79.20	Shawn McLean	smclean@wellsismv.org
York	York	5,000	\$79.20	Dean Lessard; Tim Deparrio; Jabejym Gerardi	igerardi@yorkmaine.org; tdeparrio@yorkmaine.org; dlessard@yorkmaine.org
UM - ORONO	Penobscot	950	\$72.56	Derek Houlman	derek.houlman@maine.edu
Total Tonnage		75,881			

AGENDA ITEM #8632

Discussion with Action: Approve the quote from Peter Petit Excavating, Inc. in the amount of \$49,750.00 for the replacement of damaged sewer line on Central Park Avenue from account #50002-50508 CIP Sewer Maintenance/Improvement with a balance of \$1,212,930.52.

Chair: Shawn O'Neill

Council Information

Department: Public Works

Meeting date: October 15, 2024

Subject: Replacement of Central Avenue sewer

Commentary: The Tri Community camera has inspected the line and found multiple issues. This includes open holes, roots and voids. The department requested quotes from Shaw Brothers and Gorham Sand and Gravel. Shaw Brothers declined to quote, and we have not yet received a quote from Gorham Sand and Gravel.

Information included: Tri Community inspection and quote from Peter Petit for \$49,750.00 which includes full paving of the street.

Recommendation: Approve quote from Peter Petit for \$49,750.00.

Discussion with action:

Account #

Balance \$

Respectively submitted by,

Christopher White

Wastewater/Public Works Superintendent

Peter Petit Excavating, Inc.
 20 Forest Street
 Biddeford, ME 04005 - 3833
 Tel: 207 282-9305

ESTIMATE

Name / Address
Town of Old Orchard Beach 1 Portland Avenue Old Orchard Beach, ME 04064

Date	Estimate #
7/19/2024	1788

Item	Description	Total
	Central Park Ave	
Materials	1 structure	4,500.00
Pipe	150ft 6" pipe	18,750.00
Stone	Stone	1,500.00
Gravel	Gravel, clean sand	3,500.00
Paving	Paving 150 x 21	12,500.00
Materials	6 laterals	9,000.00
Total		\$49,750.00

AGENDA ITEM #8633

Discussion with Action: Shall the Town grant a sanitary sewer easement along a portion of Portland Avenue from Bordeaux Avenue to the existing sewer manhole located 268.31 feet southeasterly along Portland Avenue to Mark R. Bureau and Claire R. Bureau to replace a private sanitary sewer force main to Serve Red Oak Subdivision, Phase III.

Chair: Shawn O'Neill

Shall the Town grant a sanitary sewer easement along a portion of Portland Avenue from Bordeaux Avenue to the existing sewer manhole located 268.31 feet southeasterly along Portland Avenue to Mark R. Bureau and Claire R. Bureau to replace a private sanitary sewer force main to Serve Red Oak Subdivision, Phase III.

Purpose of sewer easement:

This sewer easement is for a private sewer force main to be installed for Red Oak subdivision to be run along Portland Avenue within the public right of way (ROW). This easement is being requested by Mark and Claire Bureau for the connection of a private sewer extension to the Town's public sewer system. An easement deed with plan showing the area of the easement have been submitted and the recommended edits from Town Attorney Phil Saucier have been incorporated.

Red Oak subdivision information:

Red Oak phase III amendment was conditionally approved by the Planning Board (PB) on 1/11/2024. This approval of Red Oak is for 21 single family house lots and 25 condominium units.

One of the conditions of the PB approval is “the approved subdivision plan shall not be recorded in the York County Registry of Deeds until the Old Orchard Beach Town Council approves the sewer easement, and a maintenance agreement for sewer has been approved and provided”.

Location of sewer force main:

The location of the force main was decided through discussions with the applicants engineer Jason Vafiades with Atlantic Resource Consultants (ARC), Wastewater/Public Works Superintendent Chris White, and Town engineers with Wright Pierce. When looking for the best way to connect to public sewer the below options came up, and each option is followed by feedback from Wastewater/Public Works Superintendent Chris White (WW/PW):

Option #1 leaves a section of the sewer with about 3' of depth. This would be insulated but there is no assurance that the town wouldn't have freezing problems down the road.

WW/PW - I would not want to approve this option and then deal with frozen sewer pipes.

Option #2 means the developer would run a force main down the side of the road and would avoid a shallow sewer.

WW/PW - This is my preferred option, but it places a private force main on a public right of way. The developer has asked us to consult with our legal team on this. I don't have an issue with this if it is marked on GIS and there is an agreement on who maintains the force main. Force mains generally do not require maintenance unless they are disturbed.

Connection to town's facilities ordinance requirements:

There are also additional requirements for connection of the sewer extension to the town's facilities that we need more info on (Ordinance Sec. 58-235):

**MAINTENANCE AGREEMENT FOR
PRIVATE SEWER FACILITIES**

[Red Oak Subdivision]

This MAINTENANCE AGREEMENT FOR PRIVATE SEWER FACILITIES is made this ____ day of _____, 2024 by and between **Mark R. Bureau and Clarie R. Bureau**, whose mailing address is _____, Old Orchard Beach, Maine 04064 (the “Applicant”) and the **TOWN OF OLD ORCHARD BEACH**, a Maine municipality and body corporate, whose mailing address is 1 Portland Avenue, Old Orchard Beach, Maine 04064 (the “Town”).

W I T N E S S E T H:

WHEREAS, the project name is “**Red Oak Subdivision**” (the “Project”); and

WHEREAS, the location of the Project is _____ Old Orchard Beach, Maine; and

WHEREAS, the Project is shown on a subdivision plan titled “_____” made for _____ and prepared by _____, dated _____, approved by the Town of Old Orchard Planning Board on _____, and recorded in the York County Registry of Deeds in Plan File (the “Subdivision Plan”); and

WHEREAS, the last recorded deed in the chain of title for the property that includes the Project is _____

WHEREAS, the approval of the Project includes private Sewer Facilities (as defined in the Declaration of Covenants), which require periodic maintenance, and which are further described in a Declaration dated _____, 202__ and recorded in the York County Registry of Deeds in Book _____, Page _____ (the “Declaration”); and

WHEREAS, the Town Council has granted a private sewer easement to the Applicant to serve the Project, within the bounds of Portland Avenue between Bordeaux Avenue and the existing sewer manhole located approximately 368.31 feet southeasterly from Bordeaux Avenue and more specifically shown on a Plan entitled “Sewer Force Main Easement Portland Avenue Right of Way prepared by Atlantic Resource Consultants” dated 12-19-2023 and attached as Exhibit A (the “Easement Area”), such easement recorded in the York County Registry of Deeds at Book _____, Page _____; and

WHEREAS, in consideration of the approval of the Project and grant of the sewer easement the Town requires that periodic maintenance be performed on the Sewer Facilities.

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town, and the agreement of Applicant to maintain the Sewer Facilities, the parties hereby agree as follows:

1. Applicant, for itself, and its successors and assigns, agrees to the following:
 - (a) To inspect, maintain, and repair the Sewer Facilities, which includes, force mains, pipes and related structures, at least annually, to prevent the build-up and storage of waste in the system;
 - (b) To repair any deficiencies in the Sewer Facilities noted during the annual inspection;
 - (c) To provide a summary report on the inspection, maintenance, and repair activities performed annually on the Sewer Facilities to the Town's Superintendent of the Wastewater Treatment Plant or his authorized deputy, agent, or representative;
 - (d) To allow access by Town personnel or the Town's designee for inspecting the Sewer Facilities for conformance with these requirements.
 - (e) If lots within the Project will be sold separately, to create an association of lot owners (the "Association") for the purpose of maintaining the Sewer Facilities.
 - (f) If at any time the Applicant or Association, as the case may be, fails to properly maintain and repair the Sewer Facilities, the Town shall have the right (but not the obligation) to maintain and repair the Sewer Facilities at the expense of the owner of the Applicant or Association, as the case may be.
2. Upon creation of the Association, the Association shall become responsible for compliance with the terms of this Agreement with respect to the Sewer Facilities.
3. This Agreement shall be binding upon and insure to the benefit of the successor and assigns of the Parties and shall constitute a covenant running with the land, and Applicant shall reference this Agreement in all deeds conveying any interest in real estate within the Project.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, **Mark R. Bureau and Clarie R. Bureau**, has caused this instrument to be signed and sealed this ___ day of _____, 202__.

Mark R. Bureau

By: _____

Witness:

Claire R. Bureau

By: _____

Witness:

STATE OF MAINE
COUNTY OF York, ss.

_____, 202__

Then personally before me appeared the above named Mark R. Bureau and Clarie R. Bureau, and acknowledged the foregoing instrument to be his free act and deed.

Notary Public/Maine Attorney at Law

Name:

Commission Expiration:

IN WITNESS WHEREOF, the Town of Old Orchard Beach, has caused this instrument to be signed and sealed in its company name by Diana Asanza, its Town Manager, thereunto duly authorized this ___ day of _____, 202____.

TOWN OF OLD ORCHARD BEACH

Witness

By: _____
Diana Asanza
Title: Town Manager

STATE OF MAINE
COUNTY OF YORK, ss.

_____, 202__

Then personally appeared before me the above-named Diana Asanza, Town Manager of the Town of Old Orchard Beach, and acknowledged the foregoing instrument to be her free act and deed, and the free act and deed of the Town of Old Orchard Beach.

Notary Public / Maine Attorney at Law
Name:
Commission Expiration:

- We have a draft sewer maintenance agreement from Town Attorney Saucier, but Mark Bureau's legal still needs to review it and update. Since the sewer maintenance agreement being approved was also included in the PB condition, this agreement will need to be completed before the plan gets recorded.
- Connection to town's facilities requires that "A one-year maintenance guarantee bond in a form acceptable to the town for an amount equal to 30 percent of the cost of construction of the sewer and appurtenances as estimated by the town is submitted".

Based on the ordinance Sec. 58-235 below, it seems the sewer easement could be approved with the provided easement deed and plan, and then the bond requirement would need to be completed before the sewer line can be connected to the town's facilities. The reason I say the connection requirements could come after easement approval is the ordinance section contains requirements that would come after the sewer line construction, but before the connection to Town sewer, such as the completed sewer being tested and passed, and the requirement for record drawings of the completed sewer being provided.

Sec. 58-235. Connection to town's facilities.

Connection of the sewer extension to the town's facilities shall not be permitted until:

- (1) The completed sewer has been tested and passed;
- (2) All fees have been paid for the approved lots to be connected;
- (3) Reproducible, Mylar record drawings of the completed sewer have been furnished;
- (4) A one-year maintenance guarantee bond in a form acceptable to the town for an amount equal to 30 percent of the cost of construction of the sewer and appurtenances as estimated by the town is submitted; and
- (5) An offer is made from the owner, builder, or developer in a form acceptable to the town to transfer ownership, maintenance responsibilities, property and easement rights to the town.

EASEMENT DEED
Private Sanitary Sewer Force Main

The Town of Old Orchard Beach, a body corporate and politic situated in Old Orchard Beach, York County, Maine (hereinafter "Grantor") , for consideration paid, grant to Mark R. Bureau and Claire R. Bureau, whose mailing address is _____, Old Orchard Beach, ME 04064 (hereinafter "Grantees"), a perpetual easement within the bounds of Portland Avenue in Old Orchard Beach, York County, Maine, between Bordeaux Avenue and the existing sewer manhole located approximately 368.31 feet southeasterly from Bordeaux Avenue and more specifically shown on a Plan entitled "Sewer Force Main Easement Portland Avenue Right of Way prepared by Atlantic Resource Consultants" dated 12-19-2023 and attached as Exhibit A (the "Easement Area") for the purposes set forth below.

This easement is given for the purpose of installation, maintenance, repair and replacement of a Private Sanitary Sewer Force Main to serve Red Oak Subdivision, Phase III. The Grantees shall have the right to enter upon the Easement Area with all necessary equipment, tools and vehicles necessary to carry out the purpose of this easement. All work performed upon and use of the Easement Area for the purposes set forth above shall be at Grantees' sole cost and expense. As part of the consideration for this easement, the Grantees, for themselves and their heirs and assigns, covenant and agree to minimize the extent and duration of any disturbance of Portland Avenue caused by the exercise of this easement and to restore to its previous condition the surface of Portland Avenue to the extent reasonably feasible promptly after each and every disturbance. No structures or improvements other than those specifically contemplated herein shall be placed or maintained by Grantees in the Easement Area.

Grantees, its successors and assigns, agree to indemnify and hold harmless Grantor, its successors and assigns, from and against any and all damages, liabilities, losses, expenses, claims and suits (including the cost of defending the same or enforcing this indemnity or Easement, including reasonable attorneys' fees) incurred or suffered in consequence of either bodily injury to any person (including death) or damage to any property arising out of, or in connection with, the Easement granted to Grantees, its successors and assigns, or the exercise by Grantees, its successors and assigns, of the rights granted by this Easement or the breach or violation of the terms hereof by Grantees.

In witness whereof, the Town of Old Orchard Beach has caused this instrument to be executed by _____, thereunto duly authorized, this ____ day of _____, 202__.

Town of Old Orchard Beach

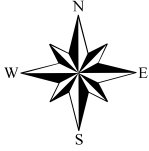
By: _____

State of Maine
York, ss.

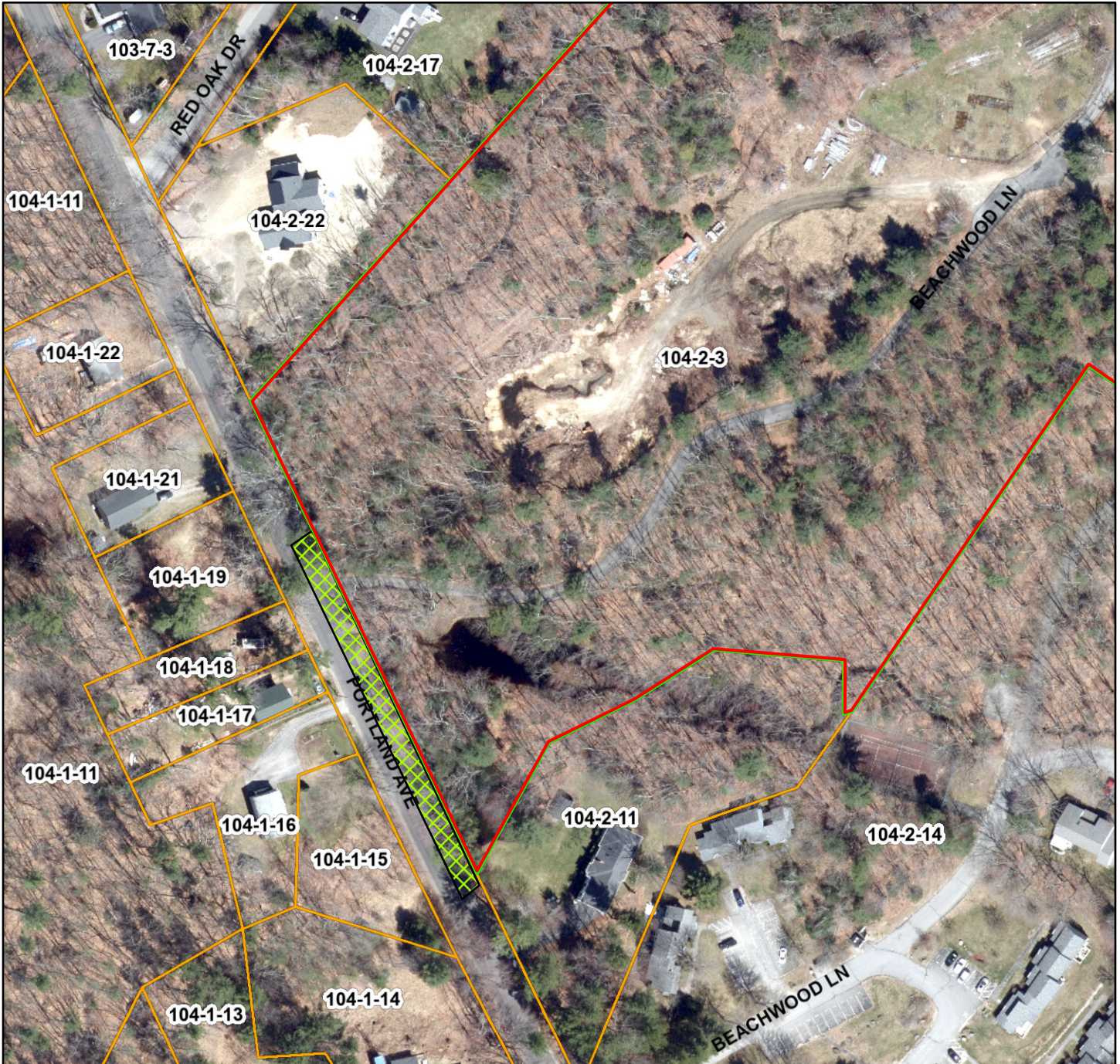
_____, 202_

Personally appeared before me the above named _____, and
acknowledged the foregoing instrument to be his/her free act and deed in said capacity and the
free act and deed of the Town of Old Orchard Beach.

Notary Public
Printed name:



October 8, 2024



Parcel Lines - Ortho

AGENDA ITEM #8634

Discussion with Action: Set the Public Hearing date of November 19, 2024, to consider a request from Homewood Park Road Association to accept title and to accept and establish as town ways those developed portions of Homewood Blvd, Kapok St, and Juniper St together with all rights appurtenant thereto and all improvements situated therein or thereon, including, without limitation, any and all stormwater runoff systems, electrical, water, sewer, gas, or other utility infrastructure, bollards, lamp posts, lights and lighting facilities; expressly including any and all stormwater infrastructure shown on a plan entitled "Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine" prepared by Jones and Associates, last revised February 21, 2018, except the ponds shown on "Pond #1 Easement Area" located on Lots 14, 15, 17 and 18 and "Pond #2 Easement Area" located on Lots 7, 8 and 9. As described in the Quitclaim Deed Without Covenant from Homewood Park Road Association to the Town of Old Orchard Beach, Maine, dated, _____.

Chair: Shawn O'Neill

**TO: Old Orchard Beach Town Council
Diana Asanza, Town Manager
Tim Fleury, Executive Assistant**

FROM: Planning Staff

SUBJECT: Homewood Blvd, Juniper, Kapok Public Acceptance

DATE: 15 October 2024

At the 15 October Council meeting, the Council will begin consideration of a request from Homewood Park Road Association (HPRA) to accept recently improved portions of Homewood Blvd., Juniper St., and Kapok St, which are located in the Homewood Park. In addition to the three roads, the HPRC is requesting public acceptance of “any and all stormwater runoff systems, electrical, water, sewer, gas, or other utility infrastructure, bollards, lamp posts, lights and lighting facilities; expressly including any and all stormwater infrastructure shown on a plan entitled Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine" Below is a summary to provide background and context to assist the Council with their decision.

Brief Development History

Homewood Park is a residential project originally established during the 1960’s consisting of several hundred quarter acre lots laid out in a grid plan with one central street (Homewood Blvd) connecting each of the blocks. Little development occurred until the 1980’s and 1990’s when single-family dwellings began to occupy the lots.

Over the years, some of the quarter acre lots have been combined to create larger lots but there are still many lots that remain as they did during the 1960’s. This includes over 100 undeveloped lots.

During 2016, the owner of a majority of the remaining undeveloped lots approached the town with a project to build a portion of Homewood Blvd., Kapok St., and Juniper St. to allow for development of approx. 54 lots for single-family homes. Road construction and home lot development began around 2017 with all but one lot built upon as of 2024. This is the portion of Homewood Park that is now proposed for acceptance.

What is HPRA Requesting the Town Accept and Not Accept?

HPRA is requesting acceptance of “any and all” of the following items as shown on a plan entitled 'Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine’ prepared by Jones and Associates, last revised February 21, 2018 (included in HPRA’s submission):

- Roads and the 50-foot Right-of-Way (ROW)
- All storm water and runoff systems. This includes all catch basins, drainage piping, and filtration basins inside and outside(?) the 50-foot ROW (see thoughts regarding “outside” below, Misc Comments and Questions)
- Water
- Sewer
- Gas
- Electric
- Bollards
- Lamp posts, lights and lighting facilities
- Other utility infrastructure
- Drainage easements

HPRA excludes the following from acceptance (see same Jones and Associates, last revised February 21, 2018 for locations):

- Pond #1 Easement Area” located on Lots 14, 15, 17 and 18
- Pond #2 Easement Area” located on Lots 7, 8 and 9

See deed enclosed with HPRA’s submission for actual language.

Miscellaneous Comments and Questions

- The primary reason we recommend the acceptance deed specifically identify what is accepted and what’s excluded is we’ve found residents question why the town is not maintaining or repairing something. If the deed specifically states what is/is not accepted, it helps the town provide clear answers.
- Sewer and gas should be removed from acceptance items as public sewer and gas do not supply this particular project.
- Water infrastructure should be removed from acceptance items which is owned by Maine Water.
- Are hydrants part of water infrastructure? If yes, and water infrastructure is removed from acceptance and the town wants to maintain hydrants than hydrants should be included as one of the items to be accepted.
- There are undeveloped lots that surround the recently developed portion associated with this acceptance proposal. Use of Homewood Blvd is needed to access the undeveloped lots. This means truck traffic will use Homewood Blvd at some future date.
- One particular item I think I know the answer to but just want to be sure is if items outside the ROW are or are not proposed for public acceptance. The submitted deed description appears to describe only the ROW but the deed also states: “*any and all* stormwater runoff systems, electrical, water, sewer, gas, or other utility infrastructure, bollards, lamp posts, lights and lighting facilities; expressly including any and all stormwater infrastructure shown on a plan entitled Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine.” Acceptance means the Town will be responsible for repair, replacement, installation, construction, and maintenance of all items identified above, the question is if this includes all identified items *both inside and outside of the Homewood, Juniper, and Kapok ROW*.
Note there are two plan sets submitted. One set is the Plan of Streets Rights of Way (2 sheets) which is what is referenced in the deed. The other set is the As Built Plan and Profile. The As Built Plan and Profile show items outside the ROW, the Plan of Streets Right of Way do not show the same items outside the ROW. By referencing the Plan of Streets Rights of Way, it should be clear the deed language means “any and all” of the infrastructure proposed for acceptance as shown on this plan and not the As Builts. Although, I thought it was worth singling out the “any and all” language in case it was not clear- perhaps the applicant can provide further info.
- The town may accept but what about maintain? Is the deed clear in regard to what will be maintained by the town?

Town Staff, Engineer and Town Attorney Review of the Proposal

Department Heads had an opportunity to review the proposed acceptance and inspect the road. There are no remaining department comments.

Wright-Pierce engineers have been involved with inspections throughout the project’s construction. The primary outstanding items involved repair/replacing curbs and repairing a stormwater drainpipe. These items have been fixed.

The town attorney reviewed the deed and noted the land and rights are transferred through a quitclaim deed, not a warranty with covenants deed. Warranty with covenants deed is the typical manner in which land is transferred; although, quitclaim deeds are another method. What's the difference? A warranty with covenants basically provides an insurance that the land and rights transferred is clear. A quitclaim is still a transfer of land and rights, but it does not have the insurance the warranty with covenants offers.

The risk with the quitclaim deed is something could be defective with the property. If a risk is realized after acceptance, the town still has the option to secure the land through the eminent domain process. In fact, the ordinance related to public acceptance (Ch. 50, Secs. 50-206 – 213) includes eminent domain related standards.

The reason HPRA is proposing the transfer through a quitclaim deed is the rights were transferred from the developer to HPRA via a quitclaim. It is an unusual form of transfer but given how Homewood Park as a whole was created (basic plan created and lots sold during a 1960's World Fair) it is not necessarily surprising.

Ultimately, a quitclaim is a valid way to transfer property, and Council has the authority to accept something that is not transferred through a warranty with covenants deed. If any issues arise after acceptance, the town can initiate the eminent domain process.

Another comment from the town attorney: "I do continue to have some questions about the final "subject to" clause at the end of the description, as I noted in the comments to the first draft. It is not clear to me why the right to use the Premises (i.e. what will be public ways if the accepted by the Council) will need to be reserved, since they will necessary be available for use by the public. The second reservation does not appear to be relevant to the Town, and the third reservation should be removed or clarified since any installation of utilities in the street would require a street opening permit. Could that final provision be removed?"

Final Thoughts:

The Council should decide if the Town will accept all items proposed for acceptance in the deed. Note that acceptance can involve town responsibility of a physical item and/or maintenance of a physical item. If the Council accepts the deed as currently proposed, the Town will take responsibility of the three roads and "any and all stormwater runoff systems, electrical, water, sewer, gas, or other utility infrastructure, bollards, lamp posts, lights and lighting facilities; expressly including any and all stormwater infrastructure shown on a plan entitled Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine". If Council decides not to accept items proposed for acceptance in the deed, these items should be identified and the deed amended to reflect what the Council is willing accept. If the Council decides to specifically exclude items from acceptance, these items should be identified in the deed. If the deed is amended, it should be submitted to the Council for review before final action is taken on acceptance.

As an example of what to accept/not accept, let's consider stormwater systems (e.g., storm drains, ponds, swales/ditches, catch basins). If the Council choose to not accept stormwater systems, this decision should take into consideration that these systems exist both within and outside of the ROW. If the Council choose to accept stormwater systems within the ROW only, a stormwater maintenance agreement and annual certifications is needed to ensure the storm water systems outside of the ROW are kept in good working order throughout the life of the project. A draft agreement is included with the applicant's submission. I specifically note stormwater because the deed indicates the easement areas associated with the stormwater pond are excluded from acceptance; although, it does not clearly indicate if the stormwater systems (e.g., ponds) within the easement areas are excluded.

If the Council decides to not accept items proposed for acceptance in the deed, in addition to changing the deed language, we recommend the HPRA ownership documents are clear in regard to what falls under HPRA

responsibility. If the HPRA docs are revised, we recommend the updated version is submitted before the Council issues a final ruling.

Included is a one-page document to help you identify what the town will/will not accept. It may be helpful to use this during your meeting. If you do, please keep in mind what the applicant is proposing for public acceptance.

August 26, 2024

Planning Department
Town of Old Orchard Beach
1 Portland Avenue
Old Orchard Beach, Maine 04064

Roadway Acceptance Application Homewood Blvd, Juniper St & Kapok St.

We as the Homewood Park Road Association are submitting the application for road acceptance of the following roads: Homewood Blvd, Juniper St and Kapok St.

- Our submission for this request includes the following:
- Application for Roadway Acceptance
- Draft Warrantee Deed for right of way [OOB Staff Note: This has been revised]
- BMP Maintenance Agreement
- Inspection Report and Photos
- Home Owners Association Documents
- Application Fee of \$150
- Certification of Waterline Installation
- DEP Stormwater Permit
- As Built Plans

As we move forward to acceptance, please let us know of any unanswered questions or details.

Sincerely,

Graham Roeber,
Homewood Park Road Association President

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Post Construction BMP Agreement 50

Waterline Installation Certificate 52

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Aa Built Plans 61

Application for Road Acceptance

TOWN OF OLD ORCHARD BEACH	
Current Planning Services: ROADWAY ACCEPTANCE APPLICATION	Page 1 of 3
	Application Fee is \$150.00
	Date Received: _____
	Application Fee PAID: \$ _____
Application and Submittal Requirements	
<i>This application and all accompanying submissions shall conform to the applicable provisions of the Old Orchard Beach Zoning Ordinance.</i>	
Street Name:	<i>Homewood Blvd, Juniper St, Kapok St</i>
Type of Street:	<input type="checkbox"/> Arterial <input type="checkbox"/> Collector <input checked="" type="checkbox"/> Minor <input type="checkbox"/> Industrial/Commercial
<p>The following items have been submitted for review:</p> <input checked="" type="checkbox"/> Abutter's List (lots adjacent to and bounded by the proposed street) <input type="checkbox"/> Plat Map, if applicable, as recorded in York County Registry of Deeds after August 15, 1987 <input checked="" type="checkbox"/> Plan and Profile Sheets <input checked="" type="checkbox"/> Plan Map, if applicable, as recorded in York County Registry of Deeds after August 15, 1987	
<p>It is proposed that the Street be Accepted upon dedication as follows:</p> <input checked="" type="checkbox"/> Owners of a majority of the abutting lots shall convey their interest to the Town without claim for damages. <input checked="" type="checkbox"/> Owners of Fee Interests shall convey their interests by Warranty Deed to the Town <input type="checkbox"/> Owners of less than Fee Interests shall convey their interests by Quitclaim Deed with Covenant. OR, It is proposed that the Street be Taken as follows: <input type="checkbox"/> Owners of a majority of the abutting lots shall Petition the Town Council in writing to lay out and take the Street and in said Petition shall waive any damages otherwise payable to them as a result of the Taking.	
<i>No application shall be accepted by OOB Town Staff without all information in the above section and without all items marked in the following pages.</i>	
OOB Planning Department	
One Portland Avenue, Old Orchard Beach, ME. 04064 Phone: 207 934 5714 Fax: 207 934 5911	

TOWN OF OLD ORCHARD BEACH																																	
Current Planning Services: ROADWAY ACCEPTANCE APPLICATION	Page 2 of 3																																
Application and Submittal Requirements																																	
<p>Submit plans of the proposed street as it will be constructed after it has been Accepted or Taken.</p> <p>Submit a Plot Plan that includes or meets the following criteria:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> Drawing scale is 1" = 40' (max)</td> <td style="width: 50%;"><input type="checkbox"/> North Arrow</td> </tr> <tr> <td><input checked="" type="checkbox"/> Plans sheets or 24" x 36"</td> <td><input type="checkbox"/> Lot Areas</td> </tr> <tr> <td><input checked="" type="checkbox"/> Ownership of adjoining subdivisions</td> <td><input type="checkbox"/> Lot Dimensions at ROW line</td> </tr> <tr> <td><input checked="" type="checkbox"/> Ownership of Adjoining acreages</td> <td><input type="checkbox"/> Passageways</td> </tr> <tr> <td><input type="checkbox"/> Buildings</td> <td><input type="checkbox"/> Street Lights and Lines</td> </tr> <tr> <td><input type="checkbox"/> Building Stationing</td> <td><input type="checkbox"/> Topograhpy (USGS Vertical Datum)</td> </tr> <tr> <td><input type="checkbox"/> Water Ways</td> <td><input type="checkbox"/> Contours (not to exceed 5-foot intervals)</td> </tr> <tr> <td><input type="checkbox"/> Natural Drainage Courses</td> <td><input type="checkbox"/> Bearing, Distances & Angles of Street ROW</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/> Boundary Monuments</td> </tr> </table> <p>Submit a Profile Plan that includes or meets the following criteria:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> Drawing scale is 1" = 50' (max) with corresponding vertical scale of 1" = 10' (max)</td> <td style="width: 50%;"><input type="checkbox"/> Plan shows abutting buildings</td> </tr> <tr> <td><input checked="" type="checkbox"/> Profile shows street centerline</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Street cross sections - Horiz. Scale: 1" = 5' (max); Vert. Scale: 1" = 1' (max)</td> <td></td> </tr> </table> <p>Location of all existing and proposed:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> Water Mains</td> <td style="width: 50%;"><input checked="" type="checkbox"/> Storm Drains</td> </tr> <tr> <td><input type="checkbox"/> Sanitary Sewer Mains</td> <td><input type="checkbox"/> Gas Mains</td> </tr> <tr> <td><input checked="" type="checkbox"/> Culverts</td> <td><input checked="" type="checkbox"/> Underdrains</td> </tr> <tr> <td><input checked="" type="checkbox"/> Underground Utilities</td> <td><input type="checkbox"/> All associated building connections</td> </tr> </table>		<input checked="" type="checkbox"/> Drawing scale is 1" = 40' (max)	<input type="checkbox"/> North Arrow	<input checked="" type="checkbox"/> Plans sheets or 24" x 36"	<input type="checkbox"/> Lot Areas	<input checked="" type="checkbox"/> Ownership of adjoining subdivisions	<input type="checkbox"/> Lot Dimensions at ROW line	<input checked="" type="checkbox"/> Ownership of Adjoining acreages	<input type="checkbox"/> Passageways	<input type="checkbox"/> Buildings	<input type="checkbox"/> Street Lights and Lines	<input type="checkbox"/> Building Stationing	<input type="checkbox"/> Topograhpy (USGS Vertical Datum)	<input type="checkbox"/> Water Ways	<input type="checkbox"/> Contours (not to exceed 5-foot intervals)	<input type="checkbox"/> Natural Drainage Courses	<input type="checkbox"/> Bearing, Distances & Angles of Street ROW	<input type="checkbox"/>	<input type="checkbox"/> Boundary Monuments	<input checked="" type="checkbox"/> Drawing scale is 1" = 50' (max) with corresponding vertical scale of 1" = 10' (max)	<input type="checkbox"/> Plan shows abutting buildings	<input checked="" type="checkbox"/> Profile shows street centerline	<input type="checkbox"/>	<input type="checkbox"/> Street cross sections - Horiz. Scale: 1" = 5' (max); Vert. Scale: 1" = 1' (max)		<input checked="" type="checkbox"/> Water Mains	<input checked="" type="checkbox"/> Storm Drains	<input type="checkbox"/> Sanitary Sewer Mains	<input type="checkbox"/> Gas Mains	<input checked="" type="checkbox"/> Culverts	<input checked="" type="checkbox"/> Underdrains	<input checked="" type="checkbox"/> Underground Utilities	<input type="checkbox"/> All associated building connections
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OOB Planning Department																																	
One Portland Avenue, Old Orchard Beach, ME. 04064 Phone: 207 934 5714 Fax: 207 934 5911																																	

<p style="text-align: center;">CURRENT PLANNING SERVICES:</p> <p style="text-align: center;">ASSESSOR'S CERTIFICATION for MAP BLOCK and LOT</p>	<p>Page 1 of 1</p>												
<p>The following certification of the correct Map Block and Lot Number(s) of the subject property must be obtained from the Assessing Office and must accompany all applications submitted to the Planning and Code Enforcement Departments.</p> <p style="text-align: center; color: red;">NO APPLICATION will be deemed complete without this certification.</p> <p>PROJECT NAME: _____ Homewood Park _____</p> <p>PROJECT APPLICANT: _____ Homewood Park Road Association _____</p> <p>Application Type (Check appropriate boxes)</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Site Plan</td> <td><input type="checkbox"/> Design Review</td> <td><input type="checkbox"/> Subdivision</td> </tr> <tr> <td><input type="checkbox"/> Variance</td> <td><input type="checkbox"/> Miscellaneous Appeal</td> <td><input type="checkbox"/> Amend to Subdivision</td> </tr> <tr> <td><input type="checkbox"/> Sign Permit</td> <td><input checked="" type="checkbox"/> Street Acceptance</td> <td><input type="checkbox"/> Sewer Connection</td> </tr> <tr> <td><input type="checkbox"/> Dumpster Permit</td> <td><input type="checkbox"/> Building Permit</td> <td><input type="checkbox"/> Other</td> </tr> </table> <p>Property owned by _____ Various - See abutters list _____ and located at <small>owner's name</small></p> <p>_____ Various - see abutters list _____ is identified on the <small>Street Address</small></p> <p>Old Orchard Beach Assessor's Maps and within the Town Assessing Records as having the following Map, Block and Lot number:</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px 0;"> MAP _____ BLOCK _____ LOT _____ </div> <p>_____ Date _____ Assessing Office Staff _____</p>		<input type="checkbox"/> Site Plan	<input type="checkbox"/> Design Review	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Variance	<input type="checkbox"/> Miscellaneous Appeal	<input type="checkbox"/> Amend to Subdivision	<input type="checkbox"/> Sign Permit	<input checked="" type="checkbox"/> Street Acceptance	<input type="checkbox"/> Sewer Connection	<input type="checkbox"/> Dumpster Permit	<input type="checkbox"/> Building Permit	<input type="checkbox"/> Other
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<p>OOB Planning Department</p> <p>One Portland Avenue, Old Orchard Beach, ME. 04064 Phone: 207 934 5714 Fax: 207 934 5911</p>													

Abutter List

Number:	Street:	Name:
27	Homewood	Rose + Ian Finch
29	Homewood	Patrick + Deborah Perreault
30	Homewood	Kelsey + Zack Simmons
31	Homewood	Lauren Vashon
33	Homewood	Group Home - UBUNTU PROPERTIES LLC
34	Homewood	Frank Lemelin
35	Homewood	Mary Rose + Joseph R Beaulieu
36	Homewood	Debbi and Gary Bozworth
37	Homewood	Ayla McCrum
38	Homewood	Aidan Peters + Lily Lacasse
39	Homewood	Dot Carlson
40	Homewood	NEW FAMILY END OF JULY
15	Juniper	Caleb + Claire Miller
16	Juniper	Melanie M. Ludwig
17	Juniper	Heidi Von Gotz Cogean
18	Juniper	Being built by HFY
19	Juniper	Agustin Valdez
20	Juniper	Jerry + Heather Emery
21	Juniper	Stephen Rickert
22	Juniper	Graham Roeber
23	Juniper	Anthony G. Rix
24	Juniper	John Gallant
25	Juniper	Josephine Holst EMPTY LOT
27	Juniper	John + Tami Hardy
28	Juniper	Ben + Claire Fink
31	Juniper	Paul Vose
32	Juniper	Dimitri + Brittany Baumann
34	Juniper	Deb Dolan + Lisa Kidd
38	Juniper	Jessica + Bob Miles
40	Juniper	Liliose Mukeshimana
13	Kapok	Peggy Laverriere
15	Kapok	Michelle + Kyle Gregory
16	Kapok	Julia M. Fregeau + Nicholas N. Bowie
17	Kapok	Tyler + Riley Flaherty
18	Kapok	Will London + Laurie Foustoukos
19	Kapok	Carl + Linda Harris

20	Kapok	Lisa Spencer
21	Kapok	Bob and Joan Bouchard
22	Kapok	Renee M. LaPlante
23	Kapok	Shawn + Erin L. Westoby
24	Kapok	Michelle + Gina Yingling (Santoni)
25	Kapok	Gary (Skip) + Sue McDougall
26	Kapok	Bree + Collin Stagg
28	Kapok	Rishikesh Reddyarjula Archana Nimma
30	Kapok	Cara + Luke Ollila
32	Kapok	Pratik Patel
33	Kapok	Kevin + Jen Bergeron
35	Kapok	Caitlin Haynie + Chelsea Butler
37	Kapok	Suzanne Nicklas

Draft Warranty Deed Right of Way [OOB Staff Note: This has been revised]

After recording return to:

Rebecca D. Shiland, Esq.
Jensen Baird
PO Box 4510
Portland, ME 04112-4510

_____Space Above This Line For Recording Data_____

QUITCLAIM DEED WITHOUT COVENANT

HOMEWOOD PARK ROAD ASSOCIATION, a Maine nonprofit corporation with a mailing address of 22 Juniper Street, Old Orchard Beach, Maine 04064 hereby GRANTS to the **TOWN OF OLD ORCHARD BEACH**, a municipality organized and existing under the laws of the State of Maine, with a mailing address of _____, its successors and assigns, a certain lot or parcel of land together with any improvements thereon located in the Town of Old Orchard Beach, County of York, State of Maine, and described more particularly as follows:

SEE EXHIBIT A ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE

IN WITNESS WHEREOF, the authorized representative of the Grantor has caused this instrument to be executed and delivered, this ____ day of _____, 2024.

Witness:

HOMEWOOD PARK ROAD

ASSOCIATION

By: _____
Name: _____
Its: _____

STATE OF MAINE
COUNTY OF YORK, ss.

_____, 2024

Personally appeared before me the above-named _____,
and acknowledged the foregoing instrument to be his free act and deed in said capacity and the
free act and deed of Homewood Park Road Association.

Notary Public
Printed Name:
My Commission Expires: _____

EXHIBIT A

Certain strips or parcels of land located in the Town of Old Orchard Beach, County of York
and State of Maine, more particularly described as follows:

HOMEWOOD BOULEVARD

A certain parcel of land, being a portion of Homewood Boulevard located in the Homewood Park
Subdivision, Old Orchard Beach, York County, Maine as shown on a plan entitled, "Homewood
Park Subdivision of Land of Resort Development Corp. in Old Orchard Beach, Maine," made by
DesRoberts Engineering Company dated September 22, 1963 and recorded in the York County
Registry of Deeds in Plan Book 36, Pages 39 and 40 (the "Plan") and further described as follows:

Beginning at the northerly comer of Lot 15 in Block 6 located at the intersection of Grove Street,
now known as Garden Street, and Homewood Boulevard as shown on the Plan;

Thence easterly fifty (50) feet more or less, crossing Homewood Boulevard, to the westerly comer
of Lot 1 in Block 20 as shown on the Plan;

Thence turning and running southeasterly along the easterly side of Homewood Boulevard to the
northwesterly corner of Lot 1 in Block 24 located at the intersection of Kapok Street and
Homewood Boulevard as shown on the Plan;

Thence westerly fifty (50) feet more or less, crossing Homewood Boulevard, to the northerly
corner of Lot 6 in Block 2 as shown on the Plan;

Thence turning and running northwesterly along the westerly side of Homewood Boulevard to the Point of Beginning.

JUNIPER STREET AND KAPOK STREET

A certain parcel of land, being a portion of Juniper Street and Kapok Street located in the Homewood Park Subdivision, Old Orchard Beach, York County, Maine as shown on a plan entitled, "Homewood Park Subdivision of Land of Resort Development Corp. in Old Orchard Beach, Maine," made by DesRoberts Engineering Company dated September 22, 1963 and recorded in the York County Registry of Deeds in Plan Book 36, Pages 39 and 40 (the "Plan") and a plan entitled, "Homewood Park Amendment #1 dated June 16, 2016 and recorded in said Registry of Deeds in Plan Book 384, Page 6 ("Amended Plan") and further described as follows:

Beginning at the southerly comer of Lot 24 in Block 22 located at the intersection of Juniper Street and Homewood Boulevard as shown on the Plan;

Thence easterly along the northerly side of Juniper Street to the southerly comer of Lot 15 in Block 22 as shown on the Amended Plan;

Thence continuing easterly along the northerly side of Juniper Street to the end of Juniper Street as shown on the Amended Plan;

Thence southerly fifty (50) feet more or less, crossing Juniper Street as shown on the Amended Plan, to the northerly comer of Lot 12 in Block 23 as shown on the Amended Plan;

Thence southwesterly along the southerly side of Juniper Street to the westerly comer of Lot 12 in Block 23 as shown on the Amended Plan;

Thence southeasterly to the southerly comer of Lot 13 in Block 23 as shown on the Amended Plan;

Thence northeasterly along the northerly side of Kapok Street to an iron pin found at the easterly comer of Lot 13 in Block 23 as shown on the Amended Plan;

Thence southeasterly fifty (50) feet more or less, crossing Kapok Street as shown on the Amended Plan, to an iron pin found at the northerly comer of Lot 12 in Block 24 as shown on the Amended Plan;

Thence southwesterly along the southerly side of Kapok Street to the westerly comer of Lot 1 in Block 24 located at the intersection of Kapok Street and Homewood Boulevard as shown on the Plan:

Thence northwesterly fifty (50) feet more or less, crossing Kapok Street as shown on the Plan, to the southerly comer of Lot 24 in Block 23 as shown on the Plan;

Thence easterly along the northerly side of Kapok Street as shown on the Plan to the eastern comer of Lot 15 in Block 23 as shown on the Amended Plan:

Thence northeasterly to the southerly comer of Lot 15 in Block 23 as shown on the Amended Plan;

Thence northwesterly along a curve fanning the northerly boundary of Lot 10 in Block 23 to westerly comer of Lot 10 in Block 23 as shown on the Amended Plan;

Thence southwesterly along the southerly side of Juniper Street to the westerly corner of Lot 1 in Block 23 located at the intersection of Juniper Street and Homewood Boulevard as shown on the Plan;

Thence northerly fifty (50) feet more or less to the Point of Beginning.

TOGETHER WITH all rights appurtenant thereto and all improvements situated therein or thereon, including, without limitation, any and all stormwater runoff systems, electrical, water, sewer, gas, or other utility infrastructure, bollards, lamp posts, lights and lighting facilities; expressly including any and all stormwater infrastructure shown on a plan entitled 'Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine" prepared by Jones and Associates, last revised February 21, 2018, except the ponds shown on "Pond #1 Easement Area" located on Lots 14, 15, 17 and 18 and "Pond #2 Easement Area" located on Lots 7, 8 and 9.

SUBJECT TO the following rights reserved to HP Developers, LLC, a Maine Limited Liability Company, Homewood Park Developers, LLC, a Maine Limited Liability Company, Diamond Properties, Inc, a Maine Corporation, and Emerald Holdings, LLC a Maine Limited Liability Company (collectively the foregoing are hereafter referred to as the "Developers") in that certain deed from the foregoing Developers to Grantor dated July 10, 2024 and recorded in the York County Registry of Deeds in Book 19469, Page 611:

1. The reserved right to use the Premises to access remaining land of Developers.
2. Developers reserve the right to use and make improvements to any stormwater infrastructure in furtherance of the development of Developers' remaining land, and Developers expressly reserve the right to use the existing stormwater infrastructure as a fire pond.
3. Developers further reserve the right to use existing rights of way for installation of utilities and mailboxes for lots not yet developed.

The above-described reserved rights to Developers are reserved in connection with Developers' right to subject additional property to the Declaration of Maintenance of Private Ways and Facilities, dated December 27, 2017, and recorded in the York County Registry of Deeds in Book 17642, Page 149, and the Bylaws of the Homewood Park Road Association, on file with said Association, specifically Article I, Section 3; Article III, Section 3.1; and Article VI, Section 6.2; once developed, such additional property shall be subject to the same obligations as other Qualifying Lots to pay proportionate costs of maintenance and repair of the afore-described infrastructure.

Meaning and intending to convey and hereby conveying all developed portions of Homewood Boulevard, Juniper Street, and Kapok Street as of the date of this conveyance, which streets are depicted on the Plan and the Amended Plan as defined herein.

Meaning and intending to describe certain property conveyed to Grantor by deed of the Developers to Grantor dated July 10, 2024 and recorded in the York County Registry of Deeds in Book 19469, Page 611.

Inspection Report and Photos

WRIGHT-PIERCE *Engineering a Better Environment*

Date: 12/8/2023

Project No.: 12755/K/CVME

To:

- Diana Asanza, Town Manager
- Jeffrey Hinderliter, Town Planner
- Mike Foster, Assistant Town Planner

From: Jaime Wallace, PE

Subject: Homewood Park Memo of Findings

The Town of Old Orchard Beach requested Wright-Pierce complete a walkthrough inspection at the Homewood Park subdivision located off Garden Street in Old Orchard Beach. The purpose of the walkthrough inspection was to identify work that is incomplete, identify damaged infrastructure within the right of way, and identify areas that require further clarification or coordination. This memo outlines issues identified within the right of way, based on the Homewood Boulevard, Juniper Street & Kapok Street Road Improvements plan set prepared by Northeast Civil Solutions, dated January 16, 2017. This memo also outlines outstanding documentation and inspection items per the Town of Old Orchard Beach Infrastructure Inspection Procedures and identifies comments which have been identified in previous walkthroughs and reviews. The intent of this memo is to summarize all correspondence to date.

Documentation Reviewed:

- Homewood Boulevard, Juniper Street, & Kapok Street, Road Improvements plan set consisting of 21 sheets, prepared by Northeast Civil Solutions dated January 16, 2017.
- Memorandum prepared by Northeast Civil Solutions titled "Stormwater Runoff, Study Point 3, Homewood Park, Old Orchard Beach" dated January 16, 2017.

- Draft As-Built Plans consisting of five sheets, prepared by Jones Associates, Inc. dated November 22, 2017 with a revision date of January 17, 2018.
- Homewood Park Roadway Acceptance Application dated January 19, 2018. Application includes draft as-built plans consisting of five sheets, prepared by Jones Associates, Inc. dated November 22, 2017, with a revision date of January 17, 2018.
- Memorandum prepared by Wright-Pierce titled “Review of Roadway Acceptance Application Materials” dated January 26, 2018.
- Memorandum prepared by Wright-Pierce titled “Site Walk — Roadway Acceptance Criteria” dated June 17, 2021.
- Annual Post-Construction BMP Certification prepared by Northeast Civil Solutions dated July 14, 2023.
- Wright-Pierce Daily Field Report Dated October 3, 2017.

Site Walk: Wright-Pierce performed a site walk with Mike Foster of the Town of Old Orchard on June 15, 2023, and again on September 26, 2023. A photo log, including photos from the site walk, is attached to this memo. The following items were identified as incomplete, requiring maintenance, or requiring further clarification:

- Surface paving not installed.
- Damage to curbing throughout development.
- Maintenance items for stormwater BMPs identified by Northeast Civil Solutions’ annual certification dated July 14, 2023.
- Unclear whether maintenance access drive for wet pond is installed per design plans.
- Severely damaged pipe between CB-6 and CB-8 (identified in Town's CCTV inspection of development).
- Sidewalk not installed throughout property.
- Pavement markings not installed.
- Unknown PVC pipe within proposed Town right of way at 17 Kapok Street.
- Drainage issues in ditch within proposed Town right of way at 23 Kapok Street.
- Rock wall face and potential hazard behind 24, 26, 28, and 30 Kapok Street.
- Stop sign missing at intersection of Juniper Street and Kapok Street.
- Unknown drainage structures in front of 15 Kapok Street and 19 Kapok Street.
- Monumentation has not been installed in accordance with Sec. 74-277(b).

We would recommend the Applicant further define the limits of the roadway that are proposed to be accepted by the Town. Several intersections (Homewood Boulevard and Kapok, Homewood Boulevard and Juniper Street Extension) are incomplete and lead to woods or dirt walking paths. We assume that these roads will be built out in the future; however, the Town should consider whether any improvements or safety measures should be in place prior to acceptance.

Missing Documentation:

The following documentation is missing per the Town of Old Orchard Beach Infrastructure Inspection Procedures and identified in the latest Daily Field Report prepared by Wright-Pierce dated October 3, 2017:

- Binder paving weight slips.
- Water main acceptance letter from Maine Water.
 - Customers are currently being served using the water main installed.
- Final as-built plan set.
- Subsurface disposal waiver requests per lot, as applicable.

As-Built Comments:

The following comments are in reference to the as-built plan prepared by Jones Associates Inc. dated November 22, 2017 with a revision date of January 18, 2018. Based on the Town of Old Orchard Beach Code of Ordinances (Sec. 74-308 Street Classification), we understand the roads within this subdivision are classified as collector streets since the roads service at least 15 units of residential development. We recommend the Town review this classification with the definitions in the ordinance to confirm. Comments are in comparison to the requirements in the ordinance for collector streets.

- The minimum pavement width of 24' for collector street is not met (Sec. 74-309(m)).
 - Throughout the development and identified on the design plans, the width of the pavement is 20'.
- Maximum grade of 6% is exceeded on Juniper Street in two locations (Sec. 74-309(m)):
 - Sta. 30+00 to Sta. 34+00 the as-built road grade is 6.3%.
 - Sta. 38+25 to Sta. 39+25 the as-built road grade is 8%.
- Maximum grade at intersection and within 75' of intersection of 2% is exceeded on Juniper Street and Kapok Street (Sec. 74-309(m)).
- Intersection of Juniper Street and Homewood Boulevard, as-built grade within 75' of the intersection is 6.3%.
- Intersection of Kapok Street and Juniper, as-built grade within 75' of the intersection is 3% and 3.4%.

- If Ivy St is built out, the intersection of Homewood Boulevard and Ivy Street would exceed the maximum grade as well (3.99% at intersection).
- The as-builts do not include a cross-section of the street (Sec. 50-211(c)). Based on the design plans, there is a 2' shoulder on one side of the road. Per Sec. 74-309, minimum shoulder width is 3'.
- Based on the as-builts provided, there are some locations along Juniper Street where slopes within the ROW are steeper than 3:1. Sec. 74-310(b)(4) indicates side slopes shall not be steeper than 3:1.
- Per Sec. 74-309(l), subdivisions containing 15 lots or more shall have at least two street connections with existing public streets or streets shown on the official map, as such exists, or streets on an approved subdivision plan for which a bond has been filed. The only connection to an existing street is at the intersection of Homewood Boulevard and Garden Street.
- We would recommend the applicant provide property line radii at intersections and centerline radius to confirm conformance to Town Ordinance.
- **Previous Review Comments**
- **Memo dated October 13, 2016**
- The following review comments are a summary of previous comments made in the memo from Wright-Pierce to Town of Old Orchard titled Homewood Park Development Review and dated October 13, 2016, related to road acceptance. These comments require additional follow-up or coordination. Wright-Pierce memo attached to this memo for reference:
- Several issues noted with general roadway details including:
- Confirming roadway classification due to the proposed width of road.
- Details regarding the Town's standards for sidewalks per Town ordinance (Sec. 74-309).
- Recommended minimum width of shoulders per Town ordinance (Sec. 74-308).
- Waiver for maximum roadway grades on Juniper and at intersections of Juniper/Homewood Boulevard and Juniper/Kapok.
- While not related to road acceptance, there were several comments regarding wastewater disposal on individual lots within the subdivision. Confirm each lot has been constructed in accordance with the State of Maine (Chapter 241) Subsurface Wastewater Disposal Rules and (Chapter 243) Minimum Lot Size Rules.
- Majority of lots are approximately 10,000 SF. Minimum lot size of 20,000 SF is required based on 10-144 CMR Ch. 243 1001.1.1, or would be required to obtain a variance.
- Each lot would likely be required to obtain a variance with approval by the State and/or Local Plumbing Inspector (LPI).

Memo dated January 26, 2018

The following review comments are a summary of previous comments made in the memo from Wright-Pierce to Town of Old Orchard titled Review of Roadway Acceptance Application Materials and dated January 26, 2018. These comments require additional follow-up or coordination. Wright-Pierce memo attached to this memo for reference:

- Additional updates needed to as-built documentation per Sec. 50-211(3)c including cross section of the proposed street.
- Updated abutters list required for road acceptance submission.
- Town to clarify whether further clarification of stormwater BMPs needs to be stated as part of the acceptance.

- **Memo dated June 17, 2021**

- The following review comments are a summary of previous comments made in the memo from Wright-Pierce to Town of Old Orchard titled Site Walk – Roadway Acceptance Criteria and dated June 17, 2021. These comments require additional follow-up or coordination. Wright-Pierce memo attached to this memo for reference:

- Confirmation on site-specific information on as-built plans per section 50-211(3).
- Confirmation of bond provided to Town to pay for sidewalks and surface paving within the right of way.
- Changes in grading (culvert crossing and roadside ditch lines) were observed on the northern side of Kapok (Lots 15-19). These changes should be reflected in the as-built conditions.
- Significant elevation difference between properties along Juniper and Kapok. In some instances, these appeared to include shear ledge faces of significant height difference. We would recommend the Town require homeowners to install safety protections on the back of properties where these significant elevations are noted.

- **Attachments**

- Outstanding Project Work Opinion of Probable Cost, prepared by Wright-Pierce, dated November 30, 2023.
- Homewood Boulevard, Juniper Street, & Kapok Street Road Improvements plan set consisting of 21 sheets, prepared by Northeast Civil Solutions, dated January 16, 2017.
- Site walk photo log prepared by Wright Pierce, dated June 15, 2023, and September 26, 2023.
- Wright-Pierce development review memos.
- Wright-Pierce road acceptance memos.

- Wright-Pierce daily field report, dated October 3, 2017.
- Annual Post-Construction BMP Certification prepared by Northeast Civil Solutions, dated July 14, 2023.
- Homewood Park Roadway Acceptance Application, dated January 19, 2018. Draft as-built plans consisting of five sheets, prepared by Jones Associates, Inc., dated November 22, 2017, with a revision date of January 17, 2018, are appended to this application.

Homewood Park – Old Orchard Beach, Maine

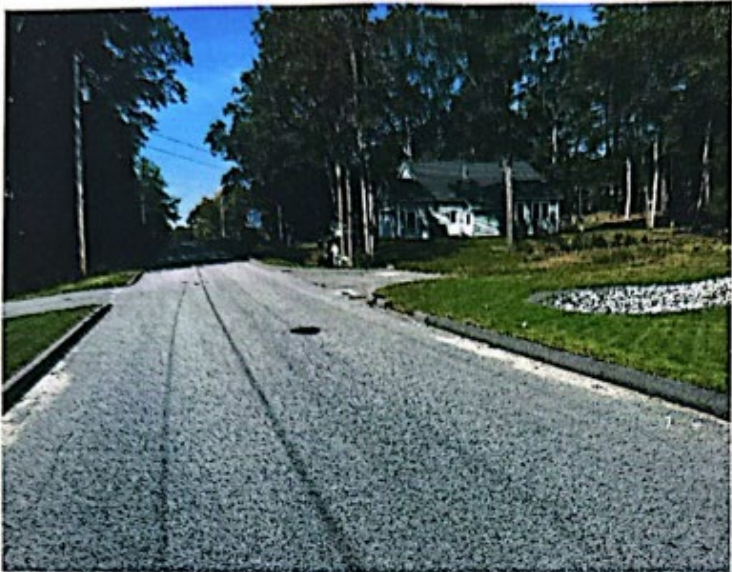


Photograph 1 – Gravel Wetlands (Photo Taken by Jaime Wallace, PE Dated June 15, 2023)



Photograph 2 – Rock Wall Face and Potential Hazard behind 24, 26, 28, and 30 Kapok Street (Photo Taken by Jaime Wallace, PE Dated June 15, 2023)

Photo Log



Photograph 3 – Homewood Boulevard Looking West (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)



Photograph 4 – Location of Proposed Maintenance Access Road to Wet Pond (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)

Photo Log



Photograph 5 – Wet Pond with Liner Exposed (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)



Photograph 6 – Homewood Boulevard Looking East (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)

Photo Log



Photograph 7 – Juniper Street Looking North (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)



Photograph 8 – Kapok Street Looking North (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)

Photo Log



Photograph 9 – Unknown Drainage Structure in Front of 15 Kapok Street (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)



Photograph 10 – Unknown Drainage Structure in Front of 19 Kapok Street (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)

Photo Log



Photograph 11 – Drainage Issues in Swale within Proposed ROW at 17 Kapok Street (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)



Photograph 12 – Sediment Forebay to Gravel Wetland (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)

Photo Log



Photograph 13 – Juniper Street Looking West (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)



Photograph 14 – Juniper Street Looking South (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)

Photo Log



Photograph 15 – Intersection of Homewood Boulevard and Juniper Street Looking South (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)



Photograph 16 – Unknown PVC Pipe Within Proposed Town ROW at 29 Homewood Boulevard (Photo Taken by Jaime Wallace, PE Dated September 26, 2023)

HOA Documentation

HOA Bylaws

4-24-2024 Revision 2

BYLAWS

OF

HOMEWOOD PARK ROAD ASSOCIATION

ARTICLE I

CREATION AND APPLICATION

Section 1.1 Creation. The corporation was created by the submission of articles of incorporation to the Maine Office of the Secretary of State on February 13, 2024, pursuant to Title 13-B, the Maine Nonprofit Corporation Act. The name of the corporation is Homewood Park Road Association (“Association”). The corporation is a mutual benefit corporation. The purpose of the Association is to govern the development and maintenance of the roads, ways, and associated improvements of the Homewood Park Road Subdivision (i) depicted on the Plan of Homewood Park by DesRoberts Engineering Co., dated September 22, 1963, and recorded in the York County Registry of Deeds (“Registry”) in Plan Book 36, Pages 39-40 (“Original Plan”), as amended in Amendment #1 dated June 16, 2016, and recorded in the Registry in Plan Book 384, Page 6 (“Amended Plan” and together with the Original Plan, the “Plan”) and (ii) conveyed to the Association, and any other lawful related purpose (collectively, the “Purpose”).

Section 1.2 Governance. These bylaws (“Bylaws”) shall govern the business and affairs of the Association.

Section 1.3 Application. All present and future lot owners, mortgagees, lessees, licensees, and occupants of the lots, their employees, agents, and customers, and any other persons who may enter upon the Property (as defined below) in any manner are subject to these Bylaws, as amended from time to time by the Qualifying Members of the Association.

Section 1.4 Office. The principal office of the Association shall initially be located at

the office of the Association's representative, Gary McDougall, 25 Kapok Street, Old Orchard Beach, ME 04064.

Section 1.5 Interpretation. In the event of any conflict or discrepancy between these Bylaws, the Plan, or the Declaration (as defined below), the provisions of the Declaration shall control. The term "Property" as used herein shall include the land and all other improvements thereon (including easements, rights, and appurtenances belonging thereto) and all other property, personal or mixed, intended for use in connection therewith now or hereafter submitted to or governed by the Declaration. Capitalized terms not otherwise defined in the Bylaws shall have the meanings set forth in the Declaration.

RECITATIONS:

1. The Property herein is a portion of that acquired by HP/OOB, LLC, HP Developers, LLC, Homewood Park Developers, LLC, Diamond Properties, Inc., and Emerald Holdings, LLC (collectively, the "Initial Owners") in the deeds recorded in the York County Registry of Deeds in Book 12250, Page 196; Book 15224, Page 4; Book 12250, Page 198; Book 12250, Page 200; and Book 15232, Page 916. The Property is a portion of the
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Homewood Park Subdivision shown on the Plan. A portion of the Property has been divided into individual lots (a "Lot" or "Lots") as depicted on the Amended Plan.
2. The Initial Owners submitted the Property to that certain Declaration of Maintenance of Private Ways and Facilities dated December 27, 2017 and recorded in the Registry in Book 17642, Page 149 ("Declaration").
3. The Initial Owners now deliver these Bylaws to the Association to be accompanied by a conveyance of all the road and ways, stormwater facilities and the various appurtenances thereto for Lots on the Amended Plan ("Phase 1"), with the intention of adding the remaining roads and ways, stormwater facilities and the various appurtenances related to other Lots on the Plan as additional phases when timely by application of the then owners of said Lots to the Association.
4. These Bylaws shall be considered, in relevant part, as amendments to the Declaration with the intention of creating uniform covenants and processes to be applied by the

Owners and Initial Owners without altering the original intent of creating a governing association with a primary focus of maintaining the roads and ways serving the Property, together with the associated stormwater management conditions associated with those roads and ways.

ARTICLE II

PURPOSES AND POWERS OF THE ASSOCIATION

Section 2.1 Purposes. The purposes of the Association are set forth in the Purpose, above.

Section 2.2 Powers. In addition to all the powers, authority, and responsibilities granted to or imposed upon this Association by the laws of the State of Maine, specifically including those set forth in the Maine Nonprofit Corporation Act all of which the Association shall have, to the extent permitted by law and by the Declaration, as amended, the Association shall have the specific powers to:

- A. Adopt and amend bylaws and rules and regulations;
- B. Adopt and amend budgets for revenues, expenditures, and reserves, and collect assessments from owners;
- C. Hire and terminate managers and other employees, agents, and independent contractors;
- D. Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two (2) or more owners on matters affecting the Association;
- E. Make contracts and incur liabilities;
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- F. Regulate and use, maintain, repair, replace, and modify the common properties, meaning the roads and ways within the Property and existing stormwater facilities associated therewith, subject to existing easement rights therein (“Common Properties”);
- G. Cause additional improvements to be made as a part of the Common Properties;

H. Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property;

I. Impose charges for the late payment of assessments and after notice and an opportunity to be heard, levy reasonable fines for violations of the Declaration, Bylaws, and rules and regulations of the Association (as may be amended or adopted, from time to time);

J. Provide for the indemnification of its officers and directors and maintenance of directors' and officers' liability insurance;

K. Accept title to the roads and ways, stormwater facilities and the various appurtenances in Phase 1 and later phases as determined by the Association; and

L. Exercise any other powers conferred by the Declaration or Bylaws.

The Board of Directors of the Association ("Board of Directors") shall manage the Common Properties and exercise such powers on behalf of the Association, subject to the terms of these Bylaws and the Declaration, as amended.

Section 2.3 Nonprofit Status. The Association is not organized for profit and no property or profit thereof shall inure to the benefit of any person except in furtherance of the nonprofit-making purposes of the Association or in the course of acquiring, constructing or providing management, maintenance and care of the Property, or by virtue of a rebate of excess membership dues, fees, assessments, or common charges.

ARTICLE III

ASSOCIATION OF OWNERS

Section 3.1 Membership. As stated in the Articles of Incorporation, the members shall consist exclusively of all owners of Lots that have been actually developed with houses, structures, and supporting systems and utilities as of the date of these Bylaws (such owners being "Qualifying Members" and such lots being "Qualifying Lots"), although the Board of Directors shall admit additional Qualifying Members in conformity with Article VI, Section 6.2(A). Only Qualifying Lots are subject to Association assessments now or hereafter created in accordance with the Declaration. Membership is transferable only as provided in the Declaration or these Bylaws. The Association membership of a Lot owner shall terminate

upon the conveyance, transfer, or other disposition of its interest in the Lot accomplished in accordance with the Declaration, whereupon its membership and any interest in the assets of the Association shall automatically transfer to and be vested in the successor in ownership.

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Membership is otherwise non-transferable. A mortgage of a Qualifying Lot or the grant of a security interest therein as security for an obligation shall not operate to transfer membership until a foreclosure of the mortgage or security agreement. The Association may but is not required to issue certificates of membership.

Section 3.2 Annual Meeting. Meetings of the Qualifying Members shall be held annually each successive year on May 1, or in the event that day is a legal holiday, then on the first day thereafter which is not a holiday, provided that the Board of Directors shall have the authority to alter the annual meeting date in its discretion if it determines that another meeting date is more convenient. The annual meeting and any special meetings shall be held at the Association's principal office or such other place as may be designated in the Notice of Meeting. The annual meeting may be conducted by electronic means, such as zoom.

Section 3.3 Special Meetings. Special meetings of the Qualifying Members may be held at any time upon the call of the Board of Directors, or upon the call of forty percent (40%) or more in interest of the owners owning Qualifying Lots, which notice call shall state the purpose of the meeting. Upon receipt of such call, the Secretary shall promptly send out notices of the meeting to all Qualifying Members. Special meetings may be conducted by electronic means, such as zoom.

Section 3.4 Notice of Meetings. A written notice of each meeting of the Association, stating whether it is an annual meeting or special meeting, the authority for the call of the meeting, the place and time of the meeting, and the items on the agenda (including the general nature of the proposed declaration or bylaw amendment, any budget changes and any proposal to remove an officer or director) shall be sent by the President or Secretary or Assistant Secretary, if any, at least twenty-one (21) days, but not more than sixty (60) days, before the date set for the meeting. Such notice shall be given to each Qualifying Member listed with the records of the Association as set forth below and to each eligible mortgage

holder if and as required by the Declaration:

- A. By the method preferred by the Qualifying Member as registered with the Secretary of the Association, or
- B. By mailing it, postage prepaid, addressed to the Qualifying Member at the address of the Qualifying Lot or any other address designated in writing by that Qualifying Member with the records of the Association; or
- C. Digitally, including email to email addresses given by the Qualifying Member.

If notice is given pursuant to the provisions of this section, the failure of any Qualifying Member to receive actual notice of the meeting shall not invalidate the meeting.

Section 3.5 Waiver of Notice. The presence of all the Qualifying Members in person or by proxy, at any meeting shall conclusively establish the meeting's validity, unless any Qualifying Member shall object at the meeting to the noncompliance with this Article. Any meeting so held without objection shall be valid for all purposes, and at any annual meeting any general business may be transacted and any action may be taken.

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Section 3.6 Order of Business. The order of business at all regular meetings of the Qualifying Members shall be generally as follows, if applicable:

- A. Roll call.
- B. Proof of notice of meeting or waiver of notice.
- C. Reading of minutes of preceding meeting.
- D. Reports of Officers.
- E. Report of Board of Directors.
- F. Report of committees.
- G. Election of the Board of Directors.
- H. Unfinished business.
- I. New business.
- J. Adjournment.

Section 3.7 Parliamentary Procedure. At all meetings of the Qualifying Members or of the Board of Directors, attendees may elect to follow Robert's Rules of Order as then

amended.

Section 3.8 Quorum. The presence at the beginning of any meeting of the Association, in person or by proxy of Qualifying Members whose aggregate voting interest constitutes more than fifty percent (50%) of the total interest shall constitute a quorum for the transaction of all business.

Section 3.9 Voting.

A. Any person, partnership, limited liability company, corporation, trust, or other legal entity or a combination thereof, owning any Qualifying Lot, duly recorded in its name, which ownership shall be determined from the records of said Registry of Deeds, shall be a Qualifying Member of the Association as stated in Article III, Section 3.1 shall be entitled to vote for each Lot so owned at all meetings of the Association, either in person or by proxy.

B. Multiple owners of a Qualifying Lot shall be deemed one owner. If only one of the multiple owners of a Qualifying Lot is present in person or by proxy at a meeting of the Association, it is entitled to cast all the votes allocated to that Qualifying Lot. If more than one of the multiple owners is present, the votes allocated to that Qualifying Lot may be cast only in accordance with

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the agreement of a majority in interest of the owners. There is presumed to be a majority agreement if any one of the multiple owners present casts the votes allocated to that Qualifying Lot unless any of the other owners of the Qualifying Lot promptly protests to the person presiding over the meeting.

C. Votes allocated to a Qualifying Lot may be cast pursuant to a written proxy duly executed by a Qualifying Lot owner and filed with the Secretary. If a Qualifying Lot is owned by more than one person, each owner of the Qualifying Lot may vote or register protest to the casting of votes by the other owners of the Qualifying Lot through a duly executed written proxy. A Qualifying Lot owner may not revoke a proxy given pursuant to this section except by actual notice of revocation to the person presiding over a meeting

of the Association. A proxy is not valid if it is not dated or purports to be revocable without notice as determined by the Secretary of the Association.

A proxy shall automatically terminate eleven (11) months after its date, unless it specifies a shorter term.

D. An executor, administrator, personal representative, guardian, or trustee may vote in person or by proxy at any meeting of the Association with respect to any Qualifying Lot owned or held by it in such a capacity, whether or not the same shall have been transferred of record by a duly recorded conveyance. If the Qualifying Lot has not been so transferred, the executor, administrator, personal representative, guardian, or trustee shall satisfy the Secretary that it so holds the Qualifying Lot.

E. The Initial Owners may exercise the voting rights pertaining to any Qualifying Lot to which they retain title. No vote pertaining to a Qualifying Lot owned by the Association may be cast, and the voting interest of such a Qualifying Lot shall not be deemed to be outstanding in determining the presence of a quorum or the percentage of approval needed to act.

At any meeting at which a quorum is present, the affirmative vote of a majority of the voting interest of those present shall determine any question except the election of Directors, unless a greater percentage vote is required by law, by the Declaration or by these Bylaws. In the election of Directors, those receiving the greatest number of votes, though less than a majority, shall be elected.

Section 3.10 Adjournment. Any meeting of the Association may be adjourned from time to time to such place and time as may be determined by majority vote of the Qualifying Members present, whether a quorum be present or not, without further notice of the time and place of adjournment beyond that given at the meeting. At any adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted by a quorum at the meeting as originally called.

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Section 3.11 Unanimous Action by Members Without a Meeting. Any action

required or permitted to be taken at a meeting of the Qualifying Members (to the extent not otherwise precluded by law) may be taken without a meeting if written consents, setting forth the action so taken, are signed by all the Qualifying Members entitled to vote on such action and are filed with the Secretary of the Association as part of the corporate records. Such written consents shall have the same effect as a unanimous vote of the Qualifying Members.

ARTICLE IV

BOARD OF DIRECTORS

Section 4.1 Number and Qualifications. The affairs of the Association shall be governed by a Board of Directors initially composed of five (5) directors initially appointed by the Initial Owners. At the first organizational meeting, the Qualifying Members shall elect five (5) Directors with staggered terms of one (1), two (2), and three (3) years. Each Director shall be the owner of a Qualifying Lot, or the owner or the spouse of an owner of a Qualifying Lot, or if a Qualifying Lot owner is a corporation, limited liability company, partnership, trust or estate, then an officer, director, member, manager, partner, trustee, beneficiary or appointed personal representative thereof. After the expiration of said initial terms, the terms of the directors shall then be two (2) years each. The number of directors may be changed between three (3) and seven (7) by amendment to the Bylaws.

Section 4.2 Powers and Duties. The Board of Directors shall generally act on behalf of the Association, shall have all powers and duties necessary or appropriate for the administration of the affairs of the Association, and shall have all powers conferred on it in the Declaration, the Bylaws or the Maine Nonprofit Corporation Act, as may be amended from time to time, except those matters which by law, by the Declaration or by these Bylaws specifically reserved to the Qualifying Members.

Section 4.3 Other Duties. In addition to other duties imposed by these Bylaws or by duly adopted resolutions of the Qualifying Members of the Association, the Board of Directors shall be responsible for the following:

- A. Election of the officers of the Association;
- B. Management and administration of the Association's property and the Common

Properties, including the maintenance, repair, and replacement thereof;

C. Determination and collection of assessments for Common Charges, and Service Charges from the owners and the regulation of its fiscal affairs;

D. Establishment of reserves for the maintenance, repair and replacement of Common Properties and for contingencies;

E. Appointment and dismissal of the personnel and agents for the maintenance and operation of the Common Properties, and to fix the terms of their engagement and their compensation and authority;

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F. Designation of executive and other committees; and

G. Admission of additional members as Qualifying Members in accordance with Article VI, Section 6.2 of these Bylaws.

Section 4.4 Manager or Management Agent, Employees, Generally. The Board of Directors may employ on behalf of the Association a management agent or manager at a compensation established by the Board to perform such duties and services as the Board shall authorize including, but not limited to, the duties listed in Sections 4.3 and 6.2 of these Bylaws.

Section 4.5 Appointment and Vacancies. A vacancy caused by the expiration of a Director's term, the resignation of a Director, or the removal of a Director by a vote of the Qualifying Members shall be filled by vote of the Qualifying Members. Otherwise, vacancies in the Board of Directors prior to the expiration of the term of a director shall be filled by vote of the other directors, even though a quorum is lacking. A director elected to fill a vacancy shall be elected for the unexpired term of its predecessor in office.

Section 4.6 Removal of Directors. At any regular meeting or special meeting duly called, any one or more of the Directors may be removed with or without cause by the majority vote of the Qualifying Members, with or without cause. Any director whose removal has been proposed shall be given an opportunity to be heard at the meeting, but the Qualifying Members' decision shall be final.

Section 4.7 Compensation. No compensation shall be paid to Directors for their

services as Directors or in any other capacity, unless a resolution authorizing such remuneration shall have been adopted by the Qualifying Members before or after the services are undertaken.

Section 4.8 Annual Meeting. The annual meeting of the Board of Directors shall be held immediately following the annual meeting of the Association and at the same place; no further notice shall be necessary in order legally to constitute such meeting. The annual meeting of the Board of Directors may be held by electronic means, such as zoom.

Section 4.9 Regular Meetings. Regular meetings of the Board of Directors (other than the annual meeting) may be held at such time and place as shall be determined, from time to time, by the Board. Notice of regular meetings of the Board of Directors shall be given to each Director, personally or by delivery to its Qualifying Lot, or by email or telephone, at least ten (10) days prior to the day named for such meeting. Regular meetings of the Board of Directors may be held by electronic means, such as zoom.

Section 4.10 Special Meetings. Special meetings of the Board of Directors may be called by the President on ten (10) days' notice to each Director, given personally or by delivery to its Qualifying Lot, or by email or telephone, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President or Secretary in like manner and on like notice upon the written

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request of two (2) or more Directors. Special meetings of the Board of Directors may be held by electronic means, such as zoom.

Section 4.11 Waiver of Notice. Before or after any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall be a waiver of notice by such director of the time and place thereof. If all the Directors are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting.

Section 4.12 Board of Directors' Quorum. At all meetings of the Board of Directors, at the presence at the beginning of a meeting of at least three directors or of the

majority of directors then in office, whichever is less, shall constitute a quorum for the transaction of business. The acts of the majority of the Directors present shall be the acts of the Board of Directors. If, at any meeting of the Board of Directors, a quorum is not present, the majority of those present may adjourn the meeting from time to time. At any such adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice.

Section 4.13 Unanimous Action. Unless otherwise expressly provided by law, any action which may be taken at a meeting of the Directors may be taken without a meeting if all of the Directors sign written consents, setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of Directors' meetings and shall have the same effect as a unanimous vote.

ARTICLE V

OFFICERS

Section 5.1 Designation. The principal officers of the Association shall be a President, a Secretary and a Treasurer, of whom only the President need be elected from among the Directors. The Directors may in their discretion appoint a Vice President, Assistant Treasurer, and an Assistant Secretary, and such other officers, none of whom need be Directors, as in their judgment may be necessary.

Section 5.2 Election of Officers. The principal officers of the Association shall be elected annually by the Board of Directors at the annual meeting and shall hold office at the pleasure of the Board.

Section 5.3 Removal of Officers. Upon a majority vote of the Board of Directors at any regular meeting of the Board of Directors or at any special meeting of the Board of Directors called for such purpose, any officer may be removed, either with or without cause, and its successor elected. Any officer whose removal has been proposed, shall be given an opportunity to be heard at the meeting, but the Board's decision shall be final.

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Section 5.4 President. The President shall be the chief executive officer of the Association and shall be a Director. They shall preside at all meetings of the Association and

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of the Board of Directors.

Section 5.5 Treasurer. The Treasurer shall be responsible for keeping financial records and accounts of all receipts and disbursements in books belonging to the Association. The Treasurer shall also, in the absence of the President, exercise the powers and perform the duties of the President. They shall be responsible, subject to the direction of the Board of Directors, for the preparation and dissemination to the Qualifying Members of all financial reports, budgets and notices required, and for the preparation and signing, if necessary, of all financial reports or tax returns required to be filed by the Association.

Section 5.6 Secretary. The Secretary shall keep and certify the minutes of all meetings of the Board of Directors or of the Association, shall give all notices as provided by these Bylaws, and shall have other powers and duties as may be incidental to the offices of Secretary, given to such Secretary by these Bylaws or assigned to such Secretary from time to time by the Directors. If the Secretary or any assistant secretary shall not be present at any meeting, the presiding officer shall appoint a secretary pro tempore who shall keep the minutes of such meeting and record them in the books provided for that purpose. The Secretary shall be responsible for the filing of all reports and documents required to be filed by the Association with any governmental agency.

Section 5.7 Auditor. The Board of Directors, may from time to time at any scheduled meeting appoint some person, firm or corporation engaged in the business of auditing to act as auditor of the Association and to perform such audits and fiscal duties as may be requested by the Association.

Section 5.8 Amendments to Declaration. The Secretary shall prepare amendments to the Declaration and the President and Secretary shall execute the certificate for recording on behalf of the Association.

ARTICLE VI

FISCAL AFFAIRS AND ADMINISTRATION

Section 6.1 Accounting. Books and accounts of the Association shall be kept under the direction of the Treasurer and in accordance with customary accounting principles and practices. Within ninety (90) days after the close of each fiscal year, the

Association shall furnish its Qualifying Members with a statement of the income and disbursements for such prior fiscal year and a balance sheet as of the close of that year.

All financial records shall be available for examination by Qualifying Lot owners, mortgagees and their duly authorized agents and accountants at reasonable times.

Section 6.2 Budget and Common Charges.

A. The Board shall cause a proposed annual budget to be prepared based on its estimate of annual income and expenses. Within thirty (30) days of the

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adoption of the proposed budget, the Board shall send a summary of such budget to each Qualifying Member. Each Qualifying Member shall be subject to Association assessments hereunder. Lots owned but not developed shall not be subject to assessment for Common Charges and shall not be entitled to a vote on budgetary matters and are not Qualifying Lots.

All Lot owners shall notify the Association when they become Lot owners and when development permits have been issued for that development, at which point the Board of Directors shall admit such Lot Owners as Qualifying Members of the Association. The Board, in its discretion, may distribute information relevant to the Association budget to the owners of undeveloped Lots. The Board shall call a meeting of the Qualifying Members to review the budget; unless at that meeting the budget is rejected by sixty-seven percent (67%) in interest of all members owning Qualifying Lots, the budget shall be deemed to have been ratified. Unless the budget is rejected, the Qualifying Members shall pay the amounts specified in the proposed budget adopted by the Board.

B. The budget shall include the amount required by the Association to meet its expenses for each fiscal year or such other fiscal period as it deems appropriate, including but not limited to the following items (collectively, "Common Charges"):

i. Management and administration expenses;

- ii. The cost of operation, repairs, maintenance, replacement, and improvements of the Common Properties;
- iii. The cost of such insurance, bonds, services and utilities as may be furnished by the Association, other than such items for which a service charge is assessed;
- iv. The establishment and maintenance of adequate working capital and reserves including general operating reserves, reserves for contingencies, for losses not covered due to insurance deductibles for which the Association is responsible, and reserves for periodic maintenance, repair and replacement of the Common Properties the Association is obligated to maintain, all to be held in a segregated fund in a Maine financial institution; and
- v. Such other expenses of the Association as may be approved by the Board of Directors including operating deficiencies, if any, for prior periods.

C. Until an annual budget is adopted by the Board, the Qualifying Members shall continue to be responsible for paying that monthly amount of Common Charges which had been previously paid by or on behalf of the Association by

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the Initial Owners; any delay or failure to estimate to deliver or to adopt such budget shall not waive or release such obligation. The Association may send periodic statements to Qualifying Members showing the amount of assessments due, but each Qualifying Member shall pay its Common Charges promptly when due regardless of whether such a statement is sent.

D. Each Qualifying Member shall pay its share of Common Charges and assessments without setoff or deduction, which shall be an amount equal to the total Association budget, net of other income and Service Charges as defined herein, multiplied by its respective common expense liability. Each Qualifying Member shall become liable to the Association, and a lien shall arise against its Qualifying Lot for its entire fractional share of the

assessments at the commencement of the pertinent fiscal period. Each Qualifying Member may pay its share of the Common Charges in monthly installments on or before the first day of each and every month during such period, provided, however, that if any such installment is not paid when due, then if not paid upon twenty (20) days written notice of default, the entire remaining balance thereof shall immediately become due and payable in full.

E. If any Qualifying Member shall fail or refuse to pay to the Association when due its share of the assessments or any other Service Charges, user fees and penalties, thereafter the amount thereof shall bear interest at the rate of eighteen percent (18%) per annum or such other rate as may be set by vote of the Board prior to the date on which the payment came due. Such Common Charges and Service Charges with such late charges as may be determined by the Board of Directors, interest and all costs of collection, including reasonable attorneys' fees, shall constitute a lien on the Qualifying Lot of such Qualifying Member. Recording of the Declaration constitutes record notice and perfection of the lien for Common Charges, Service Charges, user fees, including penalties, late charges, interest and costs of collection. The Association may record a notice from time to time stating the amount and nature of the lien signed by an officer or director of the Association or by an agent authorized by the Board of Directors but such recorded notice is not necessary to establish or perfect the lien.

F. If such payments are not received within thirty (30) days after they become due, the Board shall exercise and enforce any and all rights and remedies provided in the Declaration or these Bylaws or otherwise available at law or in equity for the collection of all unpaid amounts and, if available, all possessory remedies against the delinquent owner's Qualifying Lot under the Forcible Entry and Detainer Laws of Maine, as amended from time to time. In any action to foreclose the lien for Common Charges, assessments, Service Charges, user fees, late charges, penalties, interest, and costs of collection

including reasonable attorneys' fees against any owner of a Qualifying Lot, the Association may act through its manager or Board of Directors in the same manner as any mortgagee of real property. The manager or Board of Directors acting on behalf of the Qualifying Lot owners shall have the power to bid and

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acquire such Qualifying Lot at a foreclosure sale and to lease, mortgage, convey, or otherwise deal with the Qualifying Lot. Suit to recover a money judgment for unpaid Common Charges, assessments, Service Charges, user fees and penalties due to the Association, with interest and all costs and reasonable attorneys' fees, may be maintained without foreclosing upon or waiving the lien securing the same. The lien is extinguished unless action to enforce the lien is started within three (3) years after the full amount of the assessment becomes due.

Section 6.3 Service Charges. Service charges (other than Common Charges) may be assessed separately to each Qualifying Lot or group of Qualifying Lots benefited thereby and shall be paid by the Qualifying Lot owner within fifteen (15) days of deposit in the U. S. Mail or hand delivery, and shall constitute a lien on the Qualifying Lot of the same status as a lien for Common Charges set forth in Section 6.2.

Section 6.4 Revised and Special Assessments. If at any time the Board shall determine the amount of the Common Charges to be inadequate, whether by reason of a revision in its estimate of expenses or income, the Board may adopt and deliver to the Qualifying Members at least thirty days prior to the date on which it becomes effective, a revised estimated annual budget for the balance of such fiscal year and thereafter monthly Common Charges shall be determined and paid on the basis of such revision.

The Board may, upon determining that circumstances exist which requires immediate assessment of the Qualifying Members, make special assessments, not to exceed an amount equal to one current monthly assessment for each Qualifying Lot unless approved by the Qualifying Members, which shall be due and payable when delivered to the Qualifying Members.

Section 6.5 Fiscal Year. The fiscal year of the Association shall be such as may from time to time be established by the Board of Directors.

Section 6.6 Capital Improvements. The approval of a majority in interest of all the Qualifying Members shall be required to make a capital improvement to the Common Properties in an amount in excess of thirty-five percent (35%) of the aggregate Common Charges against all the Qualifying Member over the prior fiscal year, exclusive of Service Charges and user fees, and in such event the cost thereof shall be assessed to all Qualifying Lot owners as an assessment.

Section 6.7 Use of Lots. All Lots shall be utilized in accordance with the provisions of the Bylaws and Declaration.

Section 6.8 Enforcement of Declaration and Bylaws. Every Qualifying Lot owner shall pay to the Association promptly on demand all costs and expenses, including reasonable attorneys' fees and expenses incurred by or on behalf of the Association, in collecting any delinquent Common Charges, assessments, Service Charges, damages or fees due from such Qualifying Lot, foreclosing its lien for assessments, collecting any penalties

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imposed hereunder, or enforcing any provisions of the Declaration, these Bylaws, or the rules and regulations against such owner or any occupant of such Qualifying Lot.

Section 6.9 Insurance. The Association shall maintain insurance as the Board of Directors of the Association may determine is appropriate.

ARTICLE VII

EXECUTION OF INSTRUMENTS

Section 7.1 Instruments Generally. All checks, drafts, notes, vouchers, bonds, acceptances, contracts, deeds, lien notices, certificates, and all other instruments shall be signed or approved by the President or the Secretary or Treasurer, and in addition by any one or more officer(s), agent(s) or employee(s), all as the Board of Directors may designate, unless otherwise unanimously voted by the Board of Directors.

ARTICLE VIII

LIABILITY OF DIRECTORS AND OFFICERS

Section 8.1 Exculpation. No director or officer of the Association shall be liable for acts or defaults of himself or any other officer or Qualifying Member, or for any loss sustained by the Association or any member thereof, unless the same has resulted from its own willful misconduct or gross negligence.

Section 8.2 Indemnification. The Association shall indemnify any person who was or is threatened to be made a party against any actual, threatened, or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact he or she is or was an officer, director, agent or employee of the Association against all expenses including reasonable counsel fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by it in connection therewith, excepting, however, such matters in which such person is finally adjudged by a court of competent jurisdiction to have acted with willful misconduct or gross negligence towards the Association or absent a final adjudication thereof, excepting such matters in which the Board of Directors (excluding any interested Director) determines any such person acted with willful misconduct or gross negligence. This right to indemnification shall be in addition to any other power of the Association to indemnify as permitted by law. The Association may also maintain insurance on behalf of any person who is or was a director, officer, agent, or employee of the Association against any liability asserted against it and incurred by it in such capacity or arising out of its status as such, whether or not the Association would otherwise have the power or duty to indemnify him.

Section 8.3 Claims. Claims against the Association, the Board of Directors or the officers, employees, or agents thereof in their respective capacities as such, or the Association as a whole, shall be directed to the Board of Directors, which shall promptly give written notice thereof to the owners of Qualifying Lots, eligible mortgage holders, and the mortgagees of Qualifying Lots, and such complaints shall be defended by the Association. The Lot Owners shall have no right to participate in such defense other than through the Association.

AMENDMENT; CONFLICT

Section 9.1 Amendment. These Bylaws may be amended, modified, or revoked in any respect from time to time by vote of sixty-seven percent (67%) in interest of all members owning Qualifying Lots at a meeting duly called for the purpose. No modification of or amendment to the Bylaws shall be valid, until a certificate of the amendment is executed to evidence the propriety of such amendment or modification by the Secretary and President of the Association. Such certificate may be recorded in York County Registry of Deeds. Amendments to the Bylaws, the terms of which have been approved by the initial Board of Directors, are anticipated at such time as the roads and ways are conveyed to the Town of Old Orchard Beach.

Section 9.2 Conflict. In the event of any conflict between these Bylaws and the provisions of the Initial Declaration, as they may be amended, the terms of these Bylaws shall govern and apply.

Duly Adopted by the Qualifying Members of the Homewood Park Road Association on _____, 2024.

By:

Its: Secretary, Thereunto Duly Authorized

Last revised 4/24/202

HOA Articles of Incorporation

DOMESTIC

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

Charter Number: 202400389ND

Filing Number: 20240214209251022 Pages: 5

Form: ARTI Fee Paid: \$40

Filing Date: 02/13/2024 12:00AM

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 13-B MRSA §403, the undersigned incorporator(s) executed
Homewood Park Road Association FIRST: The name of the corporation is

S E C O N D : ("X" one box only. Attach additional page(s) if necessary.)

The corporation is organized as a public benefit corporation for the following purpose or purposes:

The corporation is organized as a mutual benefit corporation for all purposes permitted under Title 13-B
or, if

not for all such purposes, then for the following purpose or purposes:

The purposes of the Corporation are to govern the development and maintenance of the roads,
ways, and associated improvements of the Homewood Park Subdivision, and to accomplish
any other lawful related purpose.

THIRD: The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number:

(name of commercial registered agent)

Noncommercial Registered Agent

Laura J. Hartz, Esq.

(name of noncommercial registered agent)

84 Marginal Way, STE 600, Portland, ME 04101

(physical location, not P.O. Box — street, city, state and zip code)

(mailing address if different from above)

FOURTH: Pursuant to 5 MRSA §108.3, the new commercial registered agent as listed above has
consented to serve as the

registered agent for this nonprofit corporation.

Form No. MNPCA-6 (1 of 3)

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FIFTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if the number has

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been designated or if the initial directors have been chosen, is

The minimum number of directors (not less than 3) shall be 3 and the maximum number of directors shall be 7

SIXTH: Members: ("X" one box only.)

Z

There shall be no members.

There shall be one or more classes of members and the information required by 13-B MRSA §402 is attached.

SEVENTH: (Optional) (Check if this article is to apply.)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to

influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution

of statements) any political campaign on behalf of any candidate for public office.

EIGHTH: (Optional) (Check if this article is to apply.)

Other provisions of these articles including provisions for the regulation of the internal affairs of the corporation,

distribution of assets on dissolution or final liquidation and the requirements of the Internal Revenue Code section

501(c) are set out in Exhibit _____ attached hereto and made a part hereof.

Incorporators Dated 2, k 2.- (2 -Lt

street St26 ;ace/

(address)

Emile L. Clavet 4(7..1,7. .v70 ./ 7^•• (,/ yr:51/(,/

(city7, state and zip code)

Emile L. Clavet

(type or print name)

Street

(signature) (address)

(type or print name)

Street

(city, state and zip code)

(signature) (address)

(type or print name) (city, state and zip code)

Form No. MNPCA-6 (2 of 3)

For Corporate Incorporators*

Name of Corporate Incorporator

By _____ Street

(signature of officer) (principal business location)

(type or print name and capacity) (city, state and zip code)

Name of Corporate Incorporator

By _____ Street

(signature of officer) (principal business location)

(type or print name and capacity) (city, state and zip code)

*Articles are to be executed as follows:

If a corporation is an incorporator (13-B MRSA §401), the name of the corporation should be typed or printed and signed on its behalf by

an officer of the corporation. The articles of incorporation must be accompanied by a certificate of an appropriate officer of the

corporation, not the person signing the articles, certifying that the person executing the articles on behalf of the corporation was duly

authorized to do so.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to: Secretary of State

Division of Corporations, UCC and Commissions

101 State House Station

Augusta, ME 04333-0101

Telephone Inquiries: (207) 624-7752 Email Inquiries: CEC.Corporations@Mainesov

Form No. MNPCA-6 (3 of 3) Rev. 9/6/2018

HOME WOOD PARK ROAD ASSOCIATION

EXHIBIT A

MEMBERS

There shall be one class of members ("Members") of the Homewood Park Road Association ("Association"): The Members shall consist of the owners of lots identified on the Plan who are eligible for assessments as further defined in the Bylaws of the Association, on file with the Association. All those Members who are eligible for assessments are entitled to vote on all matters pertaining to the Association, including the amount and frequency of assessments, as further described in the Bylaws.

HOME WOOD PARK ROAD ASSOCIATION

ORGANIZATIONAL ACTION TAKEN BY WRITTEN CONSENT

OF SOLE INCORPORATOR WITHOUT AN

ORGANIZATIONAL MEETING

The undersigned, being the Sole Incorporator of the Homewood Park Road Association (the "Association"), hereby consents to the taking of and hereby takes the following action pursuant to Maine law in order to complete and perfect the organization of the Association, such action to constitute an action taken at the organizational meeting of the Association, but without actually holding a meeting, as permitted by Maine law, such action to be effective on the date hereof:

VOTED: That a corporation be formed under the Maine Non -Profit Business Corporation Act, 13-B M.R.S. to be named "Homewood Park Rod Association" all in accordance with Articles of Incorporation of even date herewith, which Articles shall be duly filed with the Secretary of State of the State of Maine.

Dated at Portland, Maine this ____ day of February, 2024

Post Construction BMP Agreement

Homewood Park Road Association

Maintenance Agreement Storm-Water Infrastructure Facilities

This Maintenance Agreement is made this ____ day of _____ 2024 by and between Homewood Park Road Association (HPRA) and the Town of Old Orchard Beach, Maine (Town).

The subdivision project name is Homewood Park Subdivison, encompassing Homewood Blvd, Juniper St and Kapok St, Old Orchard Beach, Maine, as shown on the Plan prepared by Jones Associates for Homewood Park Developers, Diamond Properties Inc., H P Developers LLC, H P/OOB, and Emerald Holdings LLC, dated November 22, 2017.

Whereas, Project includes storm-water facilities infrastructure (SWFI) owned by HPRA that requires periodic maintenance; and

Whereas, Town requires that annual inspections be carried out on the SWFI in accordance with the Maine Department of Environmental Protection (DEP), Operation and Maintenance Plan for Storm Water Facilities, as periodically updated;

Now therefore, the Parties hereby agree as follows:

1. HPRA, for itself, and its successors and assigns, agrees to carry out the requirements of Chapter 71, Article III of the Town of Old Orchard Beach Code of Ordinances, including but not limited to the following:

(a) To prevent the buildup and storage of sediment and debris in the system, employ a qualified inspector at least once annually to inspect, clean, maintain and repair the SWFI, which includes, to the extent they exist, detention and/or filtration basins or ponds, drainage swales, pipes and related structures;

(b) Repair any deficiencies in SWFI noted during the annual inspection;

(c) Allow access by Town personnel or the Town’s designee for inspecting the SWFI for conformance with these requirements;

(d) Annually provide Town a signed certificate of compliance.

2. HPRA shall record this Agreement in the York County Registry of Deeds and the Agreement shall constitute a covenant running with the land.

Homewood Park Road Association

Witness

By: Graham Roeber

Its: President

Town of Old Orchard Beach

Witness

By: Diana Asanza
Its: Town Manager

State of Maine
County of York, ss.

_____, 2022

Personally appeared the above named Graham Roeber, President of Homewood Park Road Association, and acknowledged the foregoing Agreement to be his free act and deed in his said capacity.

Before me,

Notary Public

Print Name: _____

State of Maine
County of York, ss.

_____, 2022

Personally appeared the above named Diana Asanza, Town Manager of the Town of Old Orchard Beach, and acknowledged the foregoing Agreement to be her free act and deed in her said capacity.

Before me,

Notary Public

Print Name: _____

Waterline Installation Certificate



The Maine Water Company
93 Industrial Park Rd.
Saco, ME 04072-1804

T: 207.282.1543
F: 207.282.1544
www.maine-water.com

Homewood Park Development

Old Orchard Beach, Maine

CERTIFICATE OF PROJECT ACCEPTANCE

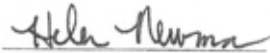
KNOW ALL PEOPLE BY THESE PRESENTS, that The Maine Water Company, having inspected the installation of the water mains and services as specified for the project, and having received certification verifying satisfactory results with regards to testing of the said installation, finds that it substantially complies with the terms of the Agreement between the Company and the Contractor/Developer dated as of the 24th day of January, 2018.

This date shall mark the commencement of all warranties and guarantees required by the Agreement and General Conditions Specifications, and such warranties and guarantees shall be fully effective, notwithstanding the fact that the Company has inspected such property.


IN WITNESS WHEREOF, the parties hereto have caused the Certificate of Project Acceptance to be executed by their duly authorized officials.

Witness  Developer 

Witness  Contractor

Witness  Maine Water
Helen Newman

Supervisor of Engineering Services

Witness  Maine Water
Richard Serino
Accountant

DEP Storm Water Permit



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

DIAMOND PROPERTIES, INC.) STORMWATER MANAGEMENT LAW
Old Orchard Beach, York County) NATURAL RESOURCES PROTECTION ACT
HOMWOOD PARK ROADS) TIER 1 WETLAND ALTERATION
L-27232-NJ-A-N (approval)) WATER QUALITY CERTIFICATION
L-27232-TC-B-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 480-A et seq. and Section 420-D, Section 401 of the Federal Water Pollution Control Act, and Chapters 500, 501, and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of DIAMOND PROPERTIES, INC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: Homewood Park Subdivision was approved by the Old Orchard Beach Planning Board and recorded in the York County Registry of Deeds in 1963 in Plan Book 36 Page 39. The lots were sold subsequently but not all of the streets were constructed. Because some of the streets were not constructed within twenty years from the date of the recording of the subdivision plan, the title to the fee interests of the unaccepted ways pass to the abutting property owners to the centerline of the way but continue to be subject to the public rights. The owners of a majority of the lots along Homewood Boulevard, Juniper Street and Kapok Street are affiliated with Diamond Properties, Inc. and they collectively own nearly all the fee interests to the streets or otherwise have rights to those streets.

B. Summary: The applicant proposes to construct approximately 3,250 feet of road with a stormwater management system on portions of existing right of ways named Homewood Boulevard, Juniper Street and Kapok Street in the Homewood Park Subdivision. The project includes extending utilities which will allow the lot owners to develop the house lots. The applicant intends to convey the developed streets to the Town of Old Orchard Beach as public streets. The proposed wet pond and gravel wetland will be constructed on seven of the lots. The project is shown on a set of plans, the first of which is titled "Cover/Index/Vicinity Map for Homewood Park, Old Orchard Beach, Maine for Diamond Properties," prepared by Northeast Civil Solutions and dated September 9, 2016, with a latest revision date on any of the sheets of November 4, 2016. The project site is located east of the existing developed portion of Homewood Boulevard in the Town of Old Orchard Beach.

The applicant is also seeking approval to fill 10,074 square feet of forested wetland to construct a portion of Homewood Boulevard and the wet pond under the Natural Resources Protection Act as described in Finding 3.

C. Current Use of the Site: The proposed streets are partially forested with all-terrain vehicle trails on some sections. The lots associated with the streets are forested.

2. STORMWATER STANDARDS:

The proposed project includes approximately 4.70 acres of developed area of which 1.82 acres are impervious area. It lies within the watersheds of Mill Brook and Milliken Mill Pond. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of a wet pond and a gravel wetland.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Bureau of Land Resources (BLR).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, BLR. A homeowners' association will be established that will be responsible for the maintenance of the stormwater management system. The Declaration of Covenants and Restrictions for the association was reviewed and found to meet Department requirements. Prior to the formation of the homeowners' association, the applicant will be responsible for all such maintenance. The applicant intends to convey the road to the Town of Old Orchard Beach upon completion. The applicant may not transfer responsibility for maintenance of the road and for the portion of the stormwater management system that is located in the road right-of-way to the Town until a letter has been submitted from the Town to the BLR documenting the Town's agreement to maintain both in accordance with the terms of this Order.

Grit and sediment materials removed from stormwater management structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B).

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential thermal impacts. The proposed project meets the definition of "a linear portion of a project" in Chapter 500 and the applicant is proposing to treat 82% of the impervious area and 82% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards and recommended that the applicant's design engineer or another qualified engineer oversee the construction of the wet pond and the gravel wetland to insure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days from completion of the wet pond and the gravel wetland or at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, the dates of each inspection, and other relevant information to the BLR for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Basic and General Standards contained in Chapter 500 provided sediment removed from the stormwater structures is disposed of properly and construction of the stormwater management structures is overseen and documented as described above.

The Department further finds that the proposed project will meet the Chapter 500 standards for easements, covenants and discharges to freshwater wetlands.

3. WETLAND IMPACTS:

The applicant proposes to alter 10,074 square feet of forested wetlands to construct a portion of Homewood Boulevard and the wet pond. The applicant has avoided and minimized wetland impacts to the greatest extent practicable by locating the wet pond mostly in the upland on the existing lots controlled by the applicant. The applicant has minimized wetland impacts for the road by reducing the pavement width from 24 feet wide that is normally required to 20 feet wide, reducing the number of sidewalks from two that is normally required to one, and using side slopes graded at two horizontal to one vertical instead of three horizontal to one vertical where the road crosses wetlands. Due to the existing layout of the subdivision, the topography, the fragmented ownership of the lots, sizing requirements of the wetpond and the configuration of the wetlands, some of the wetland alterations cannot be avoided. According to the Department's

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Geographic Information System, there are no mapped essential or significant wildlife habitats associated with the project site.

4. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity.
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards provided that sediment removed from the stormwater structures is disposed of properly and construction of the wet pond and the gravel wetland are documented as described in Finding 2.
- C. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 standards for easements, covenants, and discharges to freshwater wetlands.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat; aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.
- B. The proposed activity will not violate any state water quality law including those governing the classification of the State's waters.

THEREFORE, the Department APPROVES the above noted application of DIAMOND PROPERTIES, INC. to construct a stormwater management system and alter wetlands for roads in Homewood Park subdivision as described herein, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

- 1. The Standard Conditions of Approval, a copy attached.

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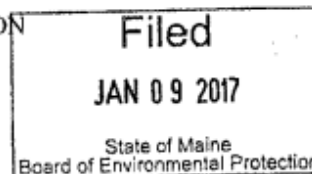
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
5. Grit and sediment materials removed from stormwater management structures shall be disposed of in compliance with the Maine Solid Waste Management Rules.
6. The applicant shall retain the design engineer or another qualified engineer to oversee the construction of the wetpond and the gravel wetland to insure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days from completion of the wetpond and the gravel filter or at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, the dates of each inspection, and other relevant information to the BLR for review.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 8TH DAY OF JANUARY, 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Paul Mercer*
For: Paul Mercer, Commissioner



PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

CGW/L27232ANBN/ATS#81058, 81059

STORMWATER STANDARD CONDITIONS**STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL**

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

L-27232-NJ-A-N / L-27232-TC-B-N

7 of 8

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
 - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)

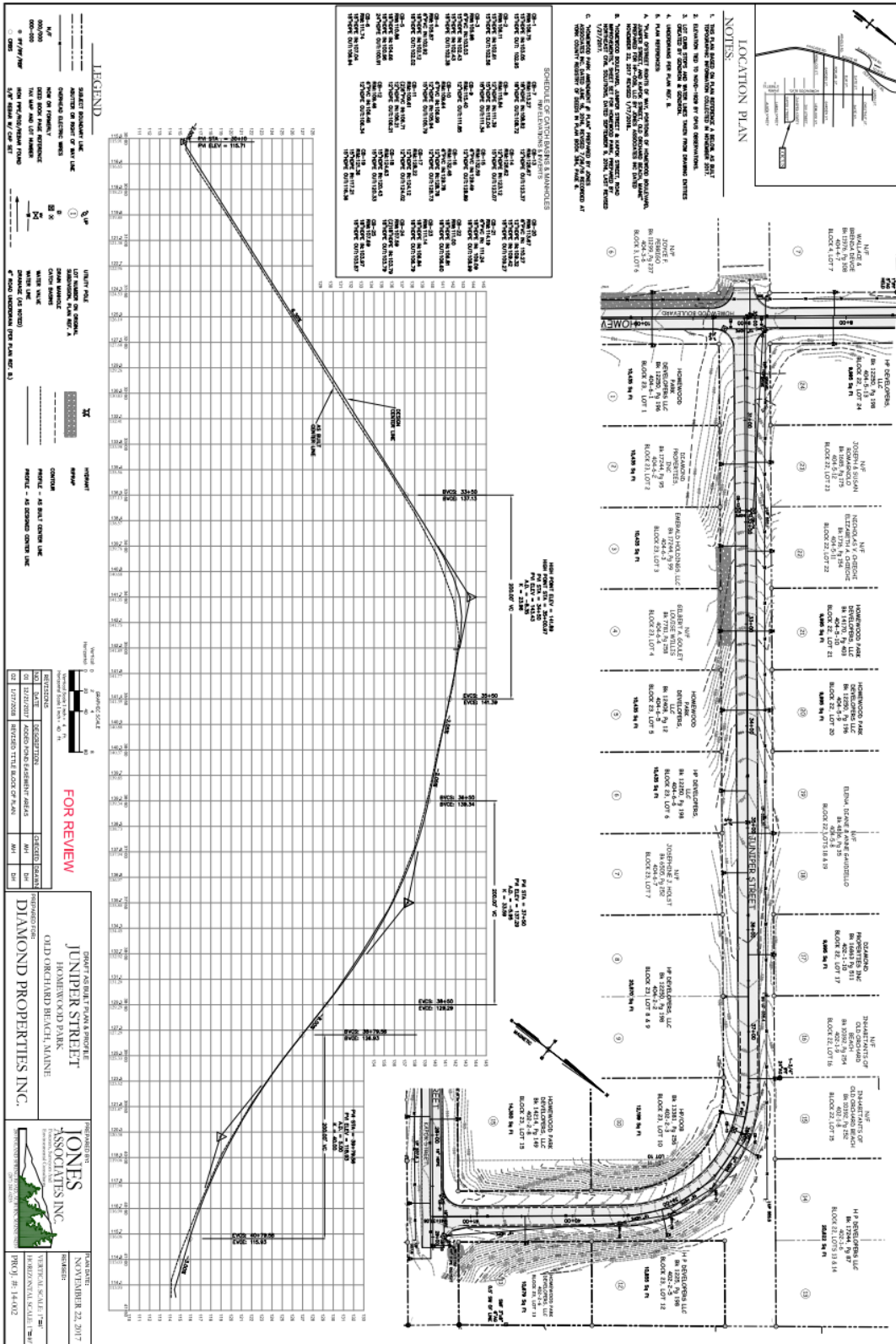


Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S.A. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised (4/92) DEP LW0428



**HW Park (Portions of Homewood Blvd, Kapok, Juniper Streets) Road Acceptance
Town of OOB Acceptance Item Checklist (Council 2024)**

A. Property within Right of Way (ROW)

- 1. HW Blvd, Juniper, Kapok ROW:

ACCEPT/NOT ACCEPT

Comment

--	--

B. Infrastructure within ROW

- 1. Roads & Curbs
- 2. Sidewalks
- 3. Light poles, bases, fixtures
- 4. Electricity equipment (transformers, transformer pads, lines)
- 5. Stormwater drainage systems (ditches, catch basins, manholes, piping, culverts, culvert crossings, sidewalk underdrain)
- 6. Street trees
- 7. Street signs
- 8. Development signs
- 9. Hydrants

C. Maintenance of Infrastructure within the ROW

- 1. Roads (grading, resurfacing, sweeping, striping, pothole fixes, tar sealant, mailbox turnout) & Curbs
- 2. Sidewalks
- 3. Light poles, bases, fixtures (replacing/repairing fixtures, paint)
- 4. Electricity equipment (transformers, transformer pads, lines)
- 5. Stormwater drainage systems (ditches, catch basins, manholes, piping, culverts, culvert crossings, sidewalk underdrain)
- 6. Street trees (trimming, removal, planting)
- 7. Street signs (repair, replacement)
- 8. Development signs (repair, paint, replacement)
- 9. Hydrants (repair, painting, access/snow removal)

D. Services within the ROW

- 1. Public trash pick up
- 2. Snow plowing / ice removal - Roads
- 3. Snow plowing / ice removal - Sidewalks
- 4. CMP electricity bill

E. Other

- 1. Stormwater drainage outside of ROW (maintain infiltration ponds, rip rap, swales, pipes, etc.)
- 2. Transformers and transformer pads outside of ROW
- 3. Utility easements outside of ROW, including maintenance
- 4. Water infrastructure (lines, gate valves, individual lot service)
- 5. Open space outside of ROW, including maintenance

MEwtr	

[LAST REVISED 10.9.2024]

After recording return to:

Rebecca D. Shiland, Esq.
Jensen Baird
PO Box 4510
Portland, ME 04112-4510

_____Space Above This Line For Recording Data_____

QUITCLAIM DEED WITHOUT COVENANT

HOMEWOOD PARK ROAD ASSOCIATION, a Maine nonprofit corporation with a mailing address of 22 Juniper Street, Old Orchard Beach, Maine 04064 hereby GRANTS to the **TOWN OF OLD ORCHARD BEACH**, a municipality organized and existing under the laws of the State of Maine, with a mailing address of _____, its successors and assigns, for highway purposes and without claim for damages, the land designated as Homewood Boulevard, Juniper Street and Kapok as depicted on the plan entitled "Homewood Park Subdivision of Land of Resort Development Corp. in Old Orchard Beach, Maine," made by DesRoberts Engineering Company dated September 22, 1963 and recorded in the York County Registry of Deeds in Plan Book 36, Pages 39 and 40 (the "Plan") and a plan entitled, "Homewood Park Amendment #1 dated June 16, 2016 and recorded in said Registry of Deeds in Plan Book 384, Page 6 ("Amended Plan") and further described more particularly as follows:

SEE EXHIBIT A ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the authorized representative of the Grantor has caused this instrument to be executed and delivered, this ____ day of _____, 2024.

Witness:

**HOMEWOOD PARK ROAD
ASSOCIATION**

By: _____

Name: _____

Its: _____

STATE OF MAINE
COUNTY OF YORK, ss.

_____, 2024

Personally appeared before me the above-named _____,
and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free
act and deed of Homewood Park Road Association.

Notary Public

Printed Name:

My Commission Expires: _____

EXHIBIT A

Certain strips or parcels of land located in the Town of Old Orchard Beach, County of York and State of Maine, more particularly described as follows:

HOMEWOOD BOULEVARD

A certain parcel of land, being a portion of Homewood Boulevard located in the Homewood Park Subdivision, Old Orchard Beach, York County, Maine as shown on a plan entitled, "Homewood Park Subdivision of Land of Resort Development Corp. in Old Orchard Beach, Maine," made by DesRoberts Engineering Company dated September 22, 1963 and recorded in the York County Registry of Deeds in Plan Book 36, Pages 39 and 40 (the "Plan") and further described as follows:

Beginning at the northerly comer of Lot 15 in Block 6 located at the intersection of Grove Street, now known as Garden Street, and Homewood Boulevard as shown on the Plan;

Thence easterly fifty (50) feet more or less, crossing Homewood Boulevard, to the westerly comer of Lot 1 in Block 20 as shown on the Plan;

Thence turning and running southeasterly along the easterly side of Homewood Boulevard to the northwesterly corner of Lot 1 in Block 24 located at the intersection of Kapok Street and Homewood Boulevard as shown on the Plan;

Thence westerly fifty (50) feet more or less, crossing Homewood Boulevard, to the northerly corner of Lot 6 in Block 2 as shown on the Plan;

Thence turning and running northwesterly along the westerly side of Homewood Boulevard to the Point of Beginning.

JUNIPER STREET AND KAPOK STREET

A certain parcel of land, being a portion of Juniper Street and Kapok Street located in the Homewood Park Subdivision, Old Orchard Beach, York County, Maine as shown on a plan entitled, "Homewood Park Subdivision of Land of Resort Development Corp. in Old Orchard Beach, Maine," made by DesRoberts Engineering Company dated September 22, 1963 and recorded in the York County Registry of Deeds in Plan Book 36, Pages 39 and 40 (the "Plan") and a plan entitled, "Homewood Park Amendment #1 dated June 16, 2016 and recorded in said Registry of Deeds in Plan Book 384, Page 6 ("Amended Plan") and further described as follows:

Beginning at the southerly comer of Lot 24 in Block 22 located at the intersection of Juniper Street and Homewood Boulevard as shown on the Plan;

Thence easterly along the northerly side of Juniper Street to the southerly comer of Lot 15 in Block 22 as shown on the Amended Plan;

Thence continuing easterly along the northerly side of Juniper Street to the end of Juniper Street as shown on the Amended Plan;

Thence southerly fifty (50) feet more or less, crossing Juniper Street as shown on the Amended Plan, to the northerly comer of Lot 12 in Block 23 as shown on the Amended Plan;

Thence southwesterly along the southerly side of Juniper Street to the westerly comer of Lot 12 in Block 23 as shown on the Amended Plan;

Thence southeasterly to the southerly comer of Lot 13 in Block 23 as shown on the Amended Plan;

Thence northeasterly along the northerly side of Kapok Street to an iron pin found at the easterly comer of Lot 13 in Block 23 as shown on the Amended Plan;

Thence southeasterly fifty (50) feet more or less, crossing Kapok Street as shown on the Amended Plan, to an iron pin found at the northerly comer of Lot 12 in Block 24 as shown on the Amended Plan;

Thence southwesterly along the southerly side of Kapok Street to the westerly comer of Lot 1 in Block 24 located at the intersection of Kapok Street and Homewood Boulevard as shown on the Plan:

Thence northwesterly fifty (50) feet more or less, crossing Kapok Street as shown on the Plan, to the southerly comer of Lot 24 in Block 23 as shown on the Plan;

Thence easterly along the northerly side of Kapok Street as shown on the Plan to the eastern comer of Lot 15 in Block 23 as shown on the Amended Plan:

Thence northeasterly to the southerly comer of Lot 15 in Block 23 as shown on the Amended Plan;

Thence northwesterly along a curve fanning the northerly boundary of Lot 10 in Block 23 to westerly comer of Lot 10 in Block 23 as shown on the Amended Plan;

Thence southwesterly along the southerly side of Juniper Street to the westerly corner of Lot 1 in Block 23 located at the intersection of Juniper Street and Homewood Boulevard as shown on the Plan;

Thence northerly fifty (50) feet more or less to the Point of Beginning.

TOGETHER WITH all rights appurtenant thereto and all improvements situated therein or thereon, including, without limitation, any and all stormwater runoff systems, electrical, water, sewer, gas, or other utility infrastructure, bollards, lamp posts, lights and lighting facilities; expressly including any and all stormwater infrastructure shown on a plan entitled "Plan of Street Rights of Way Homewood Park, Portions of Homewood Boulevard, Juniper Street, and Kapok Street, Old Orchard Beach, Maine" prepared by Jones and Associates, last revised February 21, 2018, except the ponds shown on "Pond #1 Easement Area" located on Lots 14, 15, 17 and 18 and "Pond #2 Easement Area" located on Lots 7, 8 and 9.

SUBJECT TO the following rights reserved to HP Developers, LLC, a Maine Limited Liability Company, Homewood Park Developers, LLC, a Maine Limited Liability Company, Diamond

Properties, Inc, a Maine Corporation, and Emerald Holdings, LLC a Maine Limited Liability Company (collectively the foregoing are hereafter referred to as the “Developers”) in that certain deed from the foregoing Developers to Grantor dated July 10, 2024 and recorded in the York County Registry of Deeds in Book 19469, Page 611:

1. The reserved right to use the Premises to access remaining land of Developers.
2. Developers reserve the right to use and make improvements to any stormwater infrastructure in furtherance of the development of Developers’ remaining land, and Developers expressly reserve the right to use the existing stormwater infrastructure as a fire pond.
3. Developers further reserve the right to use existing rights of way for installation of utilities and mailboxes for lots not yet developed.

Meaning and intending to convey and hereby conveying all developed portions of Homewood Boulevard, Juniper Street, and Kapok Street as of the date of this conveyance, which streets are depicted on the Plan and the Amended Plan as defined herein.

Meaning and intending to describe certain property conveyed to Grantor by deed of the Developers to Grantor dated July 10, 2024 and recorded in the York County Registry of Deeds in Book 19469, Page 611.

AGENDA ITEM #8635

Discussion with Action: Set the public hearing date of November 19th, 2024, to Repeal and Replace the General Assistance Ordinance, last amended January 17th, 2017.

Chair: Shawn O'Neill

ADJOURNMENT

Chair: Shawn O'Neill

GENERAL ASSISTANCE ORDINANCE



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

Prepared by Maine Municipal Association
September 2024

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ARTICLE I – Statement of Policy

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

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

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

actively support and enable 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;

ARTICLE III – Administrative Rules and Regulations

- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and
- 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

ARTICLE IV – Application Procedure

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.

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- 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

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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.

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

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

ARTICLE V – Eligibility Factors

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

Section 5.1—Initial Application

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

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

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

Section 5.1A – Presumptive Eligibility

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

is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

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

Section 5.2—Eligibility for Categorical Assistance

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

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

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make

no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S. § 4317).

Section 5.3—Personal Property

a) Liquid Assets.

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

b) Tangible Assets.

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

c) Automobile Ownership.

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

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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)).

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

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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:

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- 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

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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.

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Section 6.1—Recognition of Dignity and Rights

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

Section 6.2—Determination; Redetermination

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

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

Section 6.3—Verification

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

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

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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.

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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

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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:

- 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

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- 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

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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

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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 mispending 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

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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

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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 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.

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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.

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.

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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

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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;

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- (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.

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.

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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

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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.

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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.

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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.

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- 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

ARTICLE VI – Determination of Eligibility

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’ 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.

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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,

ARTICLE VI – Determination of Eligibility

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.

ARTICLE VI – Determination of Eligibility

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.

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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:

- 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 be

ARTICLE VIII – Recovery of Expenses

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

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

ARTICLE IX – Severability

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

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APPENDIX A – 2024-2025 GA Overall Maximums

Effective: 10/1/24 – 9/30/25

Metropolitan Areas

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

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

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

Non-Metropolitan Areas

Persons in Household

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

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

APPENDIX B – 2024-2025 Food Maximums

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

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

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

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

APPENDIX C – 2024-2025 GA Housing Maximums

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

(Heated & Unheated Rents)

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

Non-Metropolitan FMR Areas

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

Non-Metropolitan FMR Areas

<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	248	1,066
2	252	1,085	298	1,282
3	315	1,353	370	1,593
4	440	1,894	509	2,187

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

Metropolitan FMR Areas

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

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

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

Metropolitan FMR Areas

<u>Penobscot Cty. 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. 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: 10/01/24 to 09/30/25

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

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

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

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

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

Cremation Maximums

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

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

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

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

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

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

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

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

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

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

[PL2019, c. 125, §1 (AMD).]

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

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

[PL 2019, c. 125, §1 (AMD).]