

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1268

H.P. 868

House of Representatives, April 7, 2015

**An Act To Reform Welfare by Establishing Bridges to Sustainable
Employment**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GATTINE of Westbrook.
Cosponsored by Senator HASKELL of Cumberland and
Representatives: Speaker EVES of North Berwick, HAMANN of South Portland, ROTUNDO
of Lewiston, STUCKEY of Portland, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 22 MRSA §3732, sub-§9** is enacted to read:

3 **9. Eligible applicants with irregular hours of employment.** The department shall
4 establish rules that provide for reliable and uninterrupted access to subsidized child care
5 for eligible applicants with irregular hours of employment.

6 **Sec. 2. 22 MRSA §3736, sub-§3** is enacted to read:

7 **3. Application; effective date.** If an applicant for child care programs administered
8 under this chapter is determined eligible, child care assistance begins on the date of
9 application and must be provided retroactively to the date of application.

10 **Sec. 3. 22 MRSA §3762, sub-§3**, as amended by PL 2013, c. 368, Pt. OO, §3 and
11 Pt. UUU, §1 and affected by Pt. UUU, §2, is further amended to read:

12 **3. Administration.** The department may administer and operate a program of aid to
13 needy dependent children, called "Temporary Assistance for Needy Families" or
14 "TANF," ~~who are deprived of support or care due to the death, continued absence,~~
15 ~~physical or mental incapacity of a parent or the unemployment or underemployment of~~
16 ~~the principal wage earner~~ in accordance with the United States Social Security Act, as
17 amended by PRWORA and DRA, and this Title.

18 A. The department shall adopt rules as necessary to implement and administer the
19 program. The rules must include eligibility criteria, budgeting process, benefit
20 calculation and confidentiality. The confidentiality rules must ensure that
21 confidentiality is maintained for TANF recipients at least to the same extent that
22 confidentiality was maintained for families in the Aid to Families with Dependent
23 Children program unless otherwise required by federal law or regulation.

24 B. The department may use funds, insofar as resources permit, provided under and in
25 accordance with the United States Social Security Act or state funds appropriated for
26 this purpose or a combination of state and federal funds to provide assistance to
27 families under this chapter. In addition to assistance for families described in this
28 subsection, funds must be expended for the following purposes:

29 (1) To continue the pass-through of the first \$50 per month of current child
30 support collections and the exclusion of the \$50 pass-through from the budget
31 tests and benefit calculations;

32 (2) To provide financial assistance to noncitizens legally admitted to the United
33 States who are receiving assistance under this subsection as of July 1, 2011.
34 Recipients of assistance under this subparagraph are limited to the categories of
35 noncitizens who would be eligible for the TANF programs but for their status as
36 aliens under PRWORA. Eligibility for the TANF program for these categories of
37 noncitizens must be determined using the criteria applicable to other recipients of
38 assistance from the TANF program. Any household receiving assistance as of
39 July 1, 2011 may continue to receive assistance, as long as that household
40 remains eligible, without regard to interruptions in coverage or gaps in eligibility

1 for service. A noncitizen legally admitted to the United States who is neither
2 receiving assistance on July 1, 2011 nor has an application pending for assistance
3 on July 1, 2011 that is later approved is not eligible for financial assistance
4 through a state-funded program unless that noncitizen is:

5 (a) Elderly or disabled, as described under the laws governing supplemental
6 security income in 42 United States Code, Sections 1381 to 1383f (2010);

7 (b) A victim of domestic violence;

8 (c) Experiencing other hardship, such as time necessary to obtain proper
9 work documentation, as defined by the department by rule. Rules adopted by
10 the department under this division are routine technical rules as defined by
11 Title 5, chapter 375, subchapter 2-A; or

12 (d) Unemployed but has obtained proper work documentation, as defined by
13 the department by rule. Rules adopted by the department under this division
14 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;

15 (3) To provide benefits to ~~certain 2-parent families whose deprivation is based on~~
16 ~~physical or mental incapacity~~ with children using the same eligibility
17 requirements as apply to families headed by a single custodial parent or caretaker
18 relative;

19 (4) To provide an assistance program for needy children, 19 to 21 years of age,
20 who are in full-time attendance in secondary school. The program is operated for
21 those individuals who qualify for TANF under the United States Social Security
22 Act, except that they fail to meet the age requirement, and is also operated for the
23 parent or caretaker relative of those individuals. Except for the age requirement,
24 all provisions of TANF, including the standard of need and the amount of
25 assistance, apply to the program established pursuant to this subparagraph;

26 (5) To provide assistance for a pregnant woman who is otherwise eligible for
27 assistance under this chapter, except that she has no dependents under 19 years of
28 age. An individual is eligible for the monthly benefit for one eligible person if
29 the medically substantiated expected date of the birth of her child is not more
30 than 90 days following the date the benefit is received;

31 (6) To provide a special housing allowance for TANF families whose shelter
32 expenses for rent, mortgage or similar payments, homeowners insurance and
33 property taxes equal or exceed 75% of their monthly income. The special
34 housing allowance is limited to \$200 per month for each family. For purposes of
35 this subparagraph, "monthly income" means the total of the TANF monthly
36 benefit and all income countable under the TANF program, plus child support
37 received by the family, excluding the \$50 pass-through payment;

38 ~~(7) In determining benefit levels for TANF recipients who have earnings from~~
39 ~~employment, the department shall disregard from monthly earnings the~~
40 ~~following:~~

41 ~~(a) One hundred and eight dollars;~~

1 (b) ~~Fifty percent of the remaining earnings that are less than the federal~~
2 poverty level; and

3 (c) ~~All actual child care costs necessary for work, except that the department~~
4 ~~may limit the child care disregard to \$175 per month per child or \$200 per~~
5 ~~month per child under 2 years of age or with special needs;~~

6 (7-A) In determining eligibility and benefit levels, the department may apply a
7 gross income test only to applicants and not recipients and shall disregard the
8 following from the monthly earnings of recipients for the first 2 months of
9 employment during a period of continuous receipt of assistance uninterrupted by
10 a break in assistance of one month or more:

11 (a) 100% of all earned income; and

12 (b) All actual child care costs necessary for work, except that the department
13 may limit the child care disregard to \$175 per month per child or \$200 per
14 month per child under 2 years of age or with special needs;

15 (7-B) In determining eligibility and benefit levels, the department may apply a
16 gross income test only to applicants and not recipients and shall disregard the
17 following from the monthly earnings of recipients from the beginning of the 3rd
18 month of employment during a period of continuous receipt of assistance
19 uninterrupted by a break in assistance of one month or more:

20 (a) Two hundred and fifty dollars;

21 (b) Fifty percent of the remaining earnings that are less than the federal
22 poverty level; and

23 (c) All actual child care costs necessary for work, except that the department
24 may limit the child care disregard to \$175 per month per child or \$200 per
25 month per child under 2 years of age or with special needs;

26 (8) In cases when the TANF recipient has no child care cost, the monthly TANF
27 benefit is the maximum payment level or the difference between the countable
28 earnings and the standard of need established by rule adopted by the department,
29 whichever is lower;

30 (9) In cases when the TANF recipient has child care costs, the department shall
31 determine a total benefit package, including TANF cash assistance, determined in
32 accordance with ~~subparagraph (7)~~ subparagraphs (7-A) and (7-B) and additional
33 child care assistance, as provided by rule, necessary to cover the TANF
34 recipient's actual child care costs up to the maximum amount specified in section
35 3782-A, subsection 5. The benefit amount must be paid as provided in this
36 subparagraph.

37 (a) Before the first month in which child care assistance is available to an
38 ASPIRE-TANF recipient under this paragraph and periodically thereafter, the
39 department shall notify the recipient of the total benefit package and the
40 following options of the recipient: to receive the total benefit package
41 directly; or to have the department pay the recipient's child care assistance

1 directly to the designated child care provider for the recipient and pay the
2 balance of the total benefit package to the recipient.

3 (b) If an ASPIRE-TANF recipient notifies the department that the recipient
4 chooses to receive the child care assistance directly, the department shall pay
5 the total benefit package to the recipient.

6 (c) If an ASPIRE-TANF recipient does not respond or notifies the
7 department of the choice to have the child care assistance paid directly to the
8 child care provider from the total benefit package, the department shall pay
9 the child care assistance directly to the designated child care provider for the
10 recipient. The department shall pay the balance of the total benefit package
11 to the recipient;

12 (10) Child care assistance under this paragraph must be paid by the department
13 in a prompt manner that permits an ASPIRE-TANF recipient to access child care
14 necessary for work; and

15 (11) The department shall adopt rules pursuant to Title 5, chapter 375 to
16 implement this subsection. Rules adopted pursuant to this subparagraph are
17 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **Sec. 4. 22 MRSA §3763, sub-§8**, as amended by PL 2005, c. 522, §1, is further
19 amended to read:

20 **8. Alternative aid.** The department shall provide alternative aid to applicants who
21 seek short-term assistance in order to obtain or retain employment. The applicants must
22 meet the eligibility requirements established by rule adopted pursuant to section 3762,
23 subsection 3, paragraph A. Two-parent families are eligible for alternative aid using the
24 same eligibility requirements as families headed by a single custodial parent or caretaker
25 relative. The alternative aid may not exceed 3 times the value of the monthly TANF
26 grant for which the applicant's family is eligible. An eligible applicant may receive
27 alternative aid no more than once during any 12-month period. If the family reapplies for
28 TANF within 3 months of receiving alternative aid, the family shall repay any alternative
29 aid received in excess of the amount that the family would have received on TANF. The
30 method of repayment must be the same as that used for the repayment of unintentional
31 overpayments in the TANF program.

32 **Sec. 5. 22 MRSA §3782-A, sub-§1-A** is enacted to read:

33 **1-A. Specialized navigator services for employment supports.** The department
34 shall appoint a navigator to provide specialized navigator services for each participating
35 family to assist that family in understanding rules and policies that provide support to
36 those with earned income. The navigator shall offer each participating family the
37 opportunity for an in-person meeting to learn how earned income affects benefit levels
38 and transitional work supports including child care, transportation, medical and food
39 assistance. The navigator shall advise the family on ways to maximize opportunities to
40 achieve earned income without a corresponding loss of benefits and strategies to increase
41 wages and improve employment prospects.

42 **Sec. 6. 22 MRSA §3788, sub-§6-A** is enacted to read:

1 **6-A. Structured pathways development.** The department shall collaborate with the
2 Department of Labor, employers in the State, the Maine Community College System and
3 the University of Maine System to establish structured pathways leading to education,
4 training and employment opportunities for any person eligible for the TANF program
5 whether or not the person is receiving TANF cash assistance under the ASPIRE-TANF
6 program. Structured pathways combine basic skills instruction with professional
7 technical instruction leading to postsecondary credentials for jobs in demand in the State
8 offering high wages and opportunities for career advancement. Pathways participants
9 must be provided the same support services available to ASPIRE-TANF participants
10 pursuant to this section. Pathways may include a transitional job, subsidized employment
11 or an apprenticeship model that combines with a public-private partnership involving
12 both employment and education when necessary and appropriate to the needs of the
13 pathways participant. Any subsidized employment position established pursuant to this
14 subsection must meet the requirements of Title 26, section 2171-A.

15 **Sec. 7. Department of Health and Human Services to convene a working**
16 **group to improve employment outcomes through improved access to reliable**
17 **transportation.** The Commissioner of Health and Human Services, or the
18 commissioner's designee, shall convene a working group to review and make
19 recommendations to establish a program to provide access to reliable transportation for
20 families that qualify for assistance under the Temporary Assistance for Needy Families,
21 or TANF, program, whether or not they receive TANF cash assistance at the time they
22 are working or are actively seeking employment. The commissioner or the
23 commissioner's designee shall convene the first meeting of the working group no later
24 than October 1, 2015.

25 **1. Members.** The working group consists of 7 voting members. The commissioner,
26 or the commissioner's designee, shall serve as a voting member. The commissioner shall
27 appoint the following 6 additional members:

- 28 A. A representative of a nonprofit agency in the State with experience administering
29 a program that facilitates the purchase of motor vehicles by persons with low income;
- 30 B. A representative of a nonprofit community action agency in the State with
31 experience in the provision of transportation to persons with low income;
- 32 C. A representative of the Department of Transportation who is familiar with federal
33 programs or other programs intended to provide transportation assistance for working
34 families;
- 35 D. A representative of an advocacy organization representing the interests of persons
36 with low income who has expertise in policy and legal matters relating to public
37 assistance programs;
- 38 E. An employee employed by a career center that works directly with persons with
39 low income who are employed or seeking employment; and
- 40 F. A person with a low income who has experienced difficulty in obtaining or
41 maintaining employment because of a lack of access to reliable transportation.

1 The commissioner shall arrange for the working group to consult as necessary and
2 appropriate with nonprofit organizations within New England whose mission is to create
3 economic opportunity by providing affordable and reliable transportation options for
4 needy persons.

5 **2. Duties.** The working group shall:

6 A. Review other transportation access programs in New England and elsewhere
7 designed to provide access to affordable transportation for persons with low income
8 who are employed or seeking employment, including car donation programs, low-
9 interest loan programs, public or private nonprofit transportation providers and ride
10 assistance programs;

11 B. Examine past experience of the Department of Health and Human Services in
12 implementing similar transportation access programs and evaluate the successes and
13 failures of those transportation access programs;

14 C. Determine what the standards for affordability must be to ensure that the
15 transportation access program is administered in a manner that will best ensure access
16 to needed transportation by families with low income;

17 D. Examine opportunities to purchase or arrange for the donation of retired state or
18 municipal vehicles to benefit recipients of the transportation access program; and

19 E. Recommend methods and standards of administration that will, to the greatest
20 extent feasible, ensure accountability, cost-effectiveness and uniform statewide
21 access to transportation access program assistance.

22 **3. Report.** No later than January 1, 2016, the Commissioner of Health and Human
23 Services shall submit the report of the working group with recommendations, a copy of
24 proposed rules pursuant to subsection 4, and any suggested legislation to the Joint
25 Standing Committee on Appropriations and Financial Affairs and the Joint Standing
26 Committee on Health and Human Services.

27 **4. Rulemaking.** No later than February 1, 2016, the Department of Health and
28 Human Services shall provisionally adopt major substantive rules in accordance with the
29 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A that amend its Rule Chapter
30 331: Public Assistance Manual (TANF - Temporary Assistance for Needy Families)
31 consistent with the recommendations of the working group established in this section
32 implementing a transportation access program for persons with low income who are
33 employed or seeking employment. The Department of Health and Human Services is
34 authorized to adopt emergency rules under Title 5, sections 8054 and 8073 as necessary
35 to implement this subsection without the necessity of demonstrating that immediate
36 adoption is necessary to avoid a threat to public health, safety or general welfare. The
37 Department of Health and Human Services may use federal funds provided under the
38 federal Social Security Act, Title IV, Part A or state funds that are used to meet the
39 federal maintenance of effort requirements under TANF for costs associated with the
40 implementation of a transportation access program.

1 **SUMMARY**

2 This bill makes the following changes to the laws governing public assistance, which
3 are intended to provide bridges to employment:

4 1. Child care assistance begins on the date of application if the applicant is eligible;

5 2. The Department of Health and Human Services is directed to establish rules to
6 provide uninterrupted access to subsidized child care for eligible persons with irregular
7 hours of employment;

8 3. It provides Temporary Assistance for Needy Families, or TANF, benefits and
9 alternative aid benefits to 2-parent families based on the same eligibility requirements as
10 single-parent families have;

11 4. It changes the income amounts for TANF recipients who have employment
12 earnings that are disregarded in calculating TANF benefits;

13 5. It directs the Department of Health and Human Services to set up specialized
14 navigator services related to employment in the Additional Support for People in
15 Retraining and Employment - Temporary Assistance for Needy Families program so that
16 families receiving TANF benefits understand how earned income affects benefit levels
17 and work supports;

18 6. It requires the Department of Health and Human Services, Department of Labor,
19 Maine employers, the Maine Community College System and the University of Maine
20 System to establish structured pathways leading to education, training and employment
21 opportunities for persons eligible for TANF; and

22 7. It requires the Commissioner of Health and Human Services to convene a working
23 group to review and make recommendations to establish a program to provide access to
24 reliable transportation for families that qualify for assistance under TANF. The
25 commissioner must report the findings of the working group to the Joint Standing
26 Committee on Appropriations and Financial Affairs and the Joint Standing Committee on
27 Health and Human Services by January 1, 2016. The Department of Health and Human
28 Services must amend its TANF rules to incorporate the findings of the working group.