

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1317

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H.P. 952

House of Representatives, March 19, 2019

**An Act To Restore Services To Help Certain Noncitizens Meet Their  
Basic Needs**

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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 LIBBY of Androscoggin and  
Representatives: CLOUTIER of Lewiston, JORGENSEN of Portland, MORALES of South  
Portland, TALBOT ROSS of Portland, WARREN of Hallowell, Senators: CHIPMAN of  
Cumberland, GRATWICK of Penobscot, SANBORN, L. of Cumberland.

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

2 **Sec. 1. 22 MRSA §3104-A**, as amended by PL 2013, c. 368, Pt. OO, §§1 and 2, is  
3 further amended to read:

4 **§3104-A. Food supplement program for certain noncitizens**

5 ~~**1. Food assistance.** The department shall provide food assistance to households that  
6 would be eligible for assistance under the federal Food Stamp Act of 1977, 7 United  
7 States Code, Section 2011 et seq. and under the federal Food and Nutrition Act of 2008  
8 but for provisions of Sections 401, 402 and 403 of the Personal Responsibility and Work  
9 Opportunity Reconciliation Act of 1996 that are receiving food assistance under this  
10 subsection as of July 1, 2011. Any household receiving assistance as of that date may  
11 continue to receive assistance, as long as that household remains eligible, without regard  
12 to interruptions in coverage or gaps in eligibility for service. A noncitizen legally  
13 admitted to the United States who is neither receiving assistance on July 1, 2011 nor has  
14 an application pending for assistance on July 1, 2011 that is later approved is not eligible  
15 for food assistance through a state-funded program unless that noncitizen is:~~

16 ~~A. Elderly or disabled, as described under the laws governing supplemental security  
17 income in 42 United States Code, Sections 1381 to 1383f (2010);~~

18 ~~B. A victim of domestic violence;~~

19 ~~C. Experiencing other hardship, such as time necessary to obtain proper work  
20 documentation, as defined by the department by rule. Rules adopted by the  
21 department under this paragraph are routine technical rules as defined by Title 5,  
22 chapter 375, subchapter 2-A; or~~

23 ~~D. Unemployed but has obtained proper work documentation, as defined by the  
24 department by rule. Rules adopted by the department under this paragraph are  
25 routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.~~

26 **1-A. Food assistance.** The department shall provide food assistance to a household  
27 that would be eligible for assistance under the federal Food Stamp Act of 1977, 7 United  
28 States Code, Section 2011 et seq. and under the federal Food and Nutrition Act of 2008  
29 but for provisions of Sections 401, 402 and 403 of the federal Personal Responsibility and  
30 Work Opportunity Reconciliation Act of 1996, including to any person in the household  
31 who, in accordance with 8 United States Code, Section 1621(d), is:

32 A. Lawfully present in the United States with the knowledge and permission of the  
33 United States Department of Homeland Security and whose departure is not required  
34 by the United States Department of Homeland Security. This includes a person  
35 described in 45 Code of Federal Regulations, Section 152.2, subsections (1) to (7) or  
36 a person with deferred action under the United States Department of Homeland  
37 Security's deferred action for childhood arrivals process; or

38 B. Pursuing a lawful process to apply for immigration relief under the federal  
39 Immigration and Nationality Act, as long as the person has submitted an application  
40 for immigration relief or can provide verification that the person is taking reasonable  
41 steps to pursue the application process.

1           **2. Amount of assistance.** The total amount of food assistance provided under this  
2 section must equal the amount that the household would be eligible to receive under the  
3 federal Food Stamp Act of 1977, 7 United States Code, Sections 2014 and 2017 and  
4 under the federal Food and Nutrition Act of 2008 if the household were eligible for either  
5 of those programs.

6           **3. Administration.** The department shall provide assistance under this section to  
7 eligible households on a monthly basis through an electronic benefit transfer system.

8           **Sec. 2. 22 MRSA §3174-BBB** is enacted to read:

9           **§3174-BBB. MaineCare coverage for certain noncitizens**

10           The department shall provide the same scope of medical assistance provided under  
11 section 3174-G for comparable enrollment groups to a person who would be eligible for  
12 assistance under the federal Medicaid Program under Title XIX of the federal Social  
13 Security Act but for provisions of Sections 401, 402 and 403 of the federal Personal  
14 Responsibility and Work Opportunity Reconciliation Act of 1996, including a person  
15 who, in accordance with 8 United States Code, Section 1621(d), is:

16           **1. Lawfully present.** Lawfully present in the United States with the knowledge and  
17 permission of the United States Department of Homeland Security and whose departure is  
18 not required by the United States Department of Homeland Security. This includes a  
19 person described in 45 Code of Federal Regulations, Section 152.2, subsections (1) to (7)  
20 or a person with deferred action under the United States Department of Homeland  
21 Security's deferred action for childhood arrivals process; or

22           **2. Immigration relief.** Pursuing a lawful process to apply for immigration relief  
23 under the federal Immigration and Nationality Act, as long as the person has submitted an  
24 application for immigration relief or can provide verification that the person is taking  
25 reasonable steps to pursue the application process.

26           **Sec. 3. 22 MRSA §3273, sub-§9**, as enacted by PL 1997, c. 643, Pt. WW, §1, is  
27 amended to read:

28           **9. Supplemental security income for certain noncitizens.** ~~Supplemental State-~~  
29 ~~funded supplemental security income for legal immigrants is governed by the following~~  
30 ~~must be provided in accordance with this subsection.~~

31           A. The department shall provide assistance to ~~all aliens lawfully~~ a person residing in  
32 the United States who would be eligible for assistance under the federal supplemental  
33 security income program, 42 United States Code, Section 1381, et seq. except for the  
34 provisions of Sections 401, 402 and 403 of the federal Personal Responsibility and  
35 Work Opportunity Reconciliation Act of 1996, including a person who, in  
36 accordance with 8 United States Code, Section 1621(d), is:

37           (1) Lawfully present in the United States with the knowledge and permission of  
38 the United States Department of Homeland Security and whose departure is not  
39 required by the United States Department of Homeland Security. This includes a  
40 person described in 45 Code of Federal Regulations, Section 152.2, subsections

1                   (1) to (7) or a person with deferred action under the United States Department of  
2                   Homeland Security's deferred action for childhood arrivals process; or

3                   (2) Pursuing a lawful process to apply for immigration relief under the federal  
4                   Immigration and Nationality Act, as long as the person has submitted an  
5                   application for immigration relief or can provide verification that the person is  
6                   taking reasonable steps to pursue the application process.

7                   B. The total amount of monthly assistance provided under this section must equal the  
8                   amount that the individual would be eligible to receive under the federal  
9                   supplemental security income program, 42 United States Code, Section 1382, or its  
10                  successor, if the individual were eligible for that program, and the state supplemental  
11                  income payment provided to eligible individuals under section 3274.

12                  **Sec. 4. 22 MRSA §3762, sub-§3, ¶B**, as amended by PL 2017, c. 256, §1; c. 284,  
13                  Pt. NNNNNN, §10; c. 290, §1; and c. 412, §2, is further amended to read:

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

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

22                   ~~(2) To provide financial assistance to noncitizens legally admitted to the United~~  
23                   ~~States who are receiving assistance under this subsection as of July 1, 2011.~~  
24                   ~~Recipients of assistance under this subparagraph are limited to the categories of~~  
25                   ~~noncitizens who would be eligible for the TANF programs but for their status as~~  
26                   ~~aliens under PRWORA. Eligibility for the TANF program for these categories of~~  
27                   ~~noncitizens must be determined using the criteria applicable to other recipients of~~  
28                   ~~assistance from the TANF program. Any household receiving assistance as of~~  
29                   ~~July 1, 2011 may continue to receive assistance, as long as that household~~  
30                   ~~remains eligible, without regard to interruptions in coverage or gaps in eligibility~~  
31                   ~~for service. A noncitizen legally admitted to the United States who is neither~~  
32                   ~~receiving assistance on July 1, 2011 nor has an application pending for assistance~~  
33                   ~~on July 1, 2011 that is later approved is not eligible for financial assistance~~  
34                   ~~through a state-funded program unless that noncitizen is:~~

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

37                   ~~(b) A victim of domestic violence;~~

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

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

4                   (2-A) To provide financial assistance to a person who, in accordance with 8  
5                   United States Code, Section 1621(d), is:

6                   (a) Lawfully present in the United States with the knowledge and permission  
7                   of the United States Department of Homeland Security and whose departure  
8                   is not required by the United States Department of Homeland Security. This  
9                   includes a person described in 45 Code of Federal Regulations, Section  
10                  152.2, subsections (1) to (7) or a person with deferred action under the  
11                  United States Department of Homeland Security's deferred action for  
12                  childhood arrivals process; or

13                  (b) Pursuing a lawful process to apply for immigration relief under the  
14                  federal Immigration and Nationality Act, as long as the person has submitted  
15                  an application for immigration relief or can provide verification that the  
16                  person is taking reasonable steps to pursue the application process;

17                  (3) To provide benefits to 2-parent families with children using the same  
18                  eligibility requirements as apply to families headed by a single custodial parent or  
19                  caretaker relative;

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

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

32                  (6) To provide a special housing allowance for TANF families whose shelter  
33                  expenses for rent, mortgage or similar payments, homeowners insurance and  
34                  property taxes equal or exceed 50% of their monthly income. The special  
35                  housing allowance is limited to \$300 per month for each family. For purposes of  
36                  this subparagraph, "monthly income" means the total of the TANF monthly  
37                  benefit and all income countable under the TANF program, plus child support  
38                  received by the family, excluding the \$50 pass-through payment;

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

42                         (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 to recipients;
- 8 (8) In cases when the TANF recipient has no child care cost, the monthly TANF  
9 benefit is the maximum payment level or the difference between the countable  
10 earnings and the standard of need established by rule adopted by the department,  
11 whichever is lower;
- 12 (9) In cases when the TANF recipient has child care costs, the department shall  
13 determine a total benefit package, including TANF cash assistance, determined in  
14 accordance with subparagraph (7) and additional child care assistance, as  
15 provided by rule, necessary to cover the TANF recipient's actual child care costs  
16 up to the maximum amount specified in section 3782-A, subsection 5, paragraph  
17 B. The benefit amount must be paid as provided in this subparagraph.
- 18 (a) Before the first month in which child care assistance is available to an  
19 ASPIRE-TANF recipient under this paragraph and periodically thereafter, the  
20 department shall notify the recipient of the total benefit package and the  
21 following options of the recipient: to receive the total benefit package  
22 directly; or to have the department pay the recipient's child care assistance  
23 directly to the designated child care provider for the recipient and pay the  
24 balance of the total benefit package to the recipient.
- 25 (b) If an ASPIRE-TANF recipient notifies the department that the recipient  
26 chooses to receive the child care assistance directly, the department shall pay  
27 the total benefit package to the recipient.
- 28 (c) If an ASPIRE-TANF recipient does not respond or notifies the  
29 department of the choice to have the child care assistance paid directly to the  
30 child care provider from the total benefit package, the department shall pay  
31 the child care assistance directly to the designated child care provider for the  
32 recipient. The department shall pay the balance of the total benefit package  
33 to the recipient;
- 34 (10) Child care assistance under this paragraph must be paid by the department  
35 in a prompt manner that permits an ASPIRE-TANF recipient to access child care  
36 necessary for work; and
- 37 (11) The department shall adopt rules pursuant to Title 5, chapter 375 to  
38 implement this subsection. Rules adopted pursuant to this subparagraph are  
39 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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## SUMMARY

This bill removes limitations on food supplement program benefits and Temporary Assistance to Needy Families program benefits, provides MaineCare coverage and modifies language for state-funded supplemental security income to maintain consistency throughout the law for certain noncitizens who are lawfully present in the United States or pursuing a lawful process to apply for immigration relief.