

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1772

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H.P. 1259

House of Representatives, May 23, 2019

### **An Act To Secure Transitions to Economic Prosperity for Maine Families and Children**

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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 STEWART of Presque Isle.  
Cosponsored by Senator DOW of Lincoln and  
Representatives: Speaker GIDEON of Freeport, HYMANSON of York, O'CONNOR of  
Berwick, STOVER of Boothbay, TALBOT ROSS of Portland, Senators: CLAXTON of  
Androscoggin, MOORE of Washington.

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

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

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

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

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

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

27 (b) A victim of domestic violence;

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

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

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

38 (4) To provide an assistance program for needy children, 19 to 21 years of age,  
39 who are in full-time attendance in secondary school. The program is operated for  
40 those individuals who qualify for TANF under the United States Social Security  
41 Act, except that they fail to meet the age requirement, and is also operated for the  
42 parent or caretaker relative of those individuals. Except for the age requirement,

1 all provisions of TANF, including the standard of need and the amount of  
2 assistance, apply to the program established pursuant to this subparagraph;

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

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

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

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

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

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

24 (7-A) In determining eligibility and benefit levels, the department may apply a  
25 gross income test only to applicants and not to recipients;

26 (7-C) In determining financial eligibility for applicants who have earnings from  
27 employment, the department shall disregard from monthly earnings the  
28 following:

29 (a) One hundred and eight dollars;

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

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

35 (7-D) In determining benefit levels, the department shall disregard the following  
36 amounts from the monthly earnings of recipients:

37 (a) One hundred percent of all earned income for the first 6 months of  
38 employment during a period of continuous receipt of assistance that is not  
39 interrupted by a break in assistance of more than 2 months;

1                   **(b) Seventy-five percent of all earned income beginning in the 7th month of**  
2                   **employment during a period of continuous receipt of assistance that is not**  
3                   **interrupted by a break in assistance of more than 2 months;**

4                   **(c) One hundred and eight dollars and 50% of the remaining earnings that**  
5                   **are less than the federal poverty level beginning in the 13th month of**  
6                   **employment during a period of continuous receipt of assistance that is not**  
7                   **interrupted by a break in assistance of more than 2 months;**

8                   **(d) In the event of a break in assistance of more than 2 months, for any new**  
9                   **period of assistance, \$108 and 50% of the remaining earnings; and**

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

13                   **(7-E) For any period during which a household's food supplement assistance is**  
14                   **reduced as a result of earnings and receipt of the earned income disregard applied**  
15                   **under subparagraph (7-D), division (a) or (b), the household must receive**  
16                   **additional food supplement assistance in an amount that will, in addition to the**  
17                   **food supplement assistance for which the household remains eligible, provide the**  
18                   **household with the same amount of food supplement assistance as it received in**  
19                   **the month immediately preceding the month in which it received the enhanced**  
20                   **earned income disregard. Additional food supplement assistance under this**  
21                   **subparagraph is a noncash benefit and may be used to purchase only those food**  
22                   **items permitted under the food supplement program. These funds must be**  
23                   **provided under the TANF block grant available under Title IV-A of the United**  
24                   **States Social Security Act;**

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

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

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

42                   **(b) If an ASPIRE-TANF recipient notifies the department that the recipient**  
43                   **chooses to receive the child care assistance directly, the department shall pay**  
44                   **the total benefit package to the recipient.**

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

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

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

13 **Sec. 2. 22 MRSA §3762, sub-§8, ¶F**, as enacted by PL 2011, c. 655, Pt. S, §2, is  
14 amended to read:

15 F. The department may provide limited transitional food benefits to meet the needs  
16 of food supplement benefit recipients living with one or more dependent children  
17 under 18 years of age who are working at least 30 hours per week or who are working  
18 at least 20 hours per week if one or more dependent child is under 6 years of age.  
19 The benefit may not exceed ~~\$50~~ \$100 per month per family.

20 **Sec. 3. 22 MRSA §3762, sub-§18**, as enacted by PL 2011, c. 380, Pt. PP, §2, is  
21 amended to read:

22 **18. Lifetime limit on assistance.** Beginning January 1, 2012, a family may not  
23 receive TANF assistance for longer than 60 months except in those cases in which the  
24 department has determined that the family qualifies for an exemption or extension under  
25 rules adopted by the department. When an adult has received TANF assistance for 60  
26 months, unless the adult has been exempted or granted an extension by the department,  
27 the family unit in which the adult is a member is ineligible for assistance. The  
28 department shall consider conditions or situations beyond the control of the adult  
29 recipient, including but not limited to a physical or mental condition that prevents the  
30 adult from obtaining or retaining gainful employment, being a victim of domestic  
31 violence, participating in good standing in an approved education program or a program  
32 that is expected to lead to gainful employment, being the caretaker relative in the  
33 household who is not the parent of the child or children in the assistance unit and who is  
34 required to remain at home to care for a dependent in the assistance unit and loss of  
35 employment by the adult following termination of TANF under this subsection. Any  
36 month in which a family receives an earnings disregard under subsection 3, paragraph B,  
37 subparagraph (7-D), division (a) or (b) may not be counted toward the 60-month limit  
38 established by this subsection.

39 The department shall adopt rules to implement this subsection. Rules adopted pursuant to  
40 this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter  
41 2-A.

42 **Sec. 4. 22 MRSA §3769-G** is enacted to read:

1 **§3769-G. Temporary Assistance for Needy Families block grant; whole family**  
2 **economic security initiatives**

3 **1. Use of block grant funds.** In fiscal year 2020-21 and annually thereafter, the  
4 department shall provide up to \$3,000,000 in funds provided under the Temporary  
5 Assistance for Needy Families block grant to community action agencies designated  
6 pursuant to section 5324 or other community-based organizations the department finds  
7 qualified pursuant to subsection 3 to assist parents with children as the parents pursue  
8 stable employment or education intended to lead to employment. The block grant funds  
9 must be used to administer services to families with children with income less than 200%  
10 of the nonfarm income official poverty line.

11 **2. Required services.** Services provided by a community-based organization the  
12 department finds qualified pursuant to subsection 3 must include education, including,  
13 but not limited to, assisting family members to acquire postsecondary degrees or other  
14 credentials, and the provision of health, social and economic support.

15 **3. Qualifications.** In order to be qualified under this section, a community action  
16 agency designated pursuant to section 5324 or a community-based organization must  
17 demonstrate to the department that it has the resources and capacity to implement  
18 evidence-based practices to provide the services required under this section. The  
19 department shall annually review contracts awarded under this section on the basis of  
20 tangible performance measures; participant satisfaction and well-being; and fiscal and  
21 administrative accountability.

22 **4. Rules.** The department shall adopt rules to implement this section. Rules adopted  
23 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
24 subchapter 2-A.

25 **Sec. 5. 22 MRSA §3788, sub-§7-A** is enacted to read:

26 **7-A. Basic skills education.** The department shall make available to individuals  
27 participating in the ASPIRE-TANF program basic skills education, including programs  
28 that assist individuals in obtaining a high school equivalency diploma. The time spent by  
29 an ASPIRE-TANF participant in basic skills education must be counted towards the first  
30 20 hours of the participant's required weekly work participation. The department shall  
31 ensure that the State's work verification plan required under federal law for validating  
32 work participation activities of ASPIRE-TANF participants includes basic skills  
33 education in the definition of vocational educational training when it is a necessary part  
34 of a participant's vocational educational training plan.

35 **Sec. 6. Funding.** Any additional costs to the State resulting from the  
36 implementation of this Act must be paid from funds provided to the Department of Health  
37 and Human Services under the Temporary Assistance for Needy Families block grant  
38 available under Title IV-A of the United States Social Security Act or from resources  
39 representing the State's maintenance of effort in order to qualify for federal funds and  
40 may not result in an additional net cost to the General Fund.

1 **SUMMARY**

2 This bill:

3 1. Increases the income amounts that are disregarded when calculating benefits from  
4 the Temporary Assistance for Needy Families program, or TANF program, for recipients  
5 who have earnings from employment. It also replaces for a limited period food assistance  
6 lost as a result of increased earnings from employment and the increased income amounts  
7 that are disregarded;

8 2. Increases the transitional food benefits available under the TANF program from  
9 \$50 per month per family to \$100 per month per family;

10 3. Establishes a whole family economic security initiative as part of the TANF  
11 program to increase the economic security of the entire family; and

12 4. Requires the Department of Health and Human Services to count the participation  
13 of a participant in the ASPIRE-TANF program in basic skills education, which includes  
14 programs to assist individuals in obtaining a high school equivalency diploma, toward the  
15 first 20 hours of the participant's weekly work participation requirements.