

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 977, L.D. 1278)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1725

H.P. 1301

House of Representatives, June 3, 1983

Reported by Representative Jalbert from the Committee on
Appropriations and Financial Affairs and printed under Joint Rule 2.

Original bill presented by Representative Joseph of Waterville.

Cosponsored by Senator Bustin of Kennebec and Representative Brodeur of
Auburn.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Authorize the Department of
Human Services to Operate a Grant Diversion
Program for Recipients of Aid to Families
with Dependent Children.

Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, legislative authorization is required
for the Department of Human Services to operate a
grant diversion program; and

Whereas, a grant diversion program will result in
more employment and training opportunities for recip-
ients of Aid to Families with Dependent Children; and

Whereas, it is in the interests of recipients to
begin a grant diversion program as soon as possible;
and

1 Whereas, the Department of Human Services would
2 like to begin a grant diversion program by late
3 spring 1983; and

4 Whereas, in the judgment of the Legislature,
5 these facts create an emergency within the meaning of
6 the Constitution of Maine and require the following
7 legislation as immediately necessary for the preser-
8 vation of the public peace, health and safety; now,
9 therefore,

10 Be it enacted by the People of the State of Maine as
11 follows:

12 22 MRSA §3758, sub-§5 is enacted to read:

13 5. Grant diversion. Notwithstanding any other
14 provision of law, the Department of Human Services
15 may operate a grant diversion program for recipients
16 of Aid to Families with Dependent Children. To the
17 fullest extent permitted by federal law and regula-
18 tions, no recipient of Aid to Families with Dependent
19 Children may be required to participate in a grant
20 diversion program.

21 The department may establish a special revenue ac-
22 count for grant diversion funds that shall not lapse
23 but shall carry forward from year to year and shall
24 be used to assist recipients of Aid to Families with
25 Dependent Children to acquire employment.

26 All contracts between the Department of Human Ser-
27 vices and employers established pursuant to this
28 section shall be subject to the following require-
29 ments and conditions.

30 A. They shall not result in the displacement or
31 partial displacement of currently employed work-
32 ers. Partial displacement shall include employer
33 actions such as reduction in hours, wages or
34 employment benefits.

35 B. No recipient of Aid to Families with Depend-
36 ent Children participating in a grant diversion
37 program may be hired into or remain working in

1 any position when any other worker not subsidized
2 through a grant diversion is on layoff from the
3 same or substantially equivalent job or has been
4 bumped or has recall or bumping right to that
5 position.

6 C. No person may be referred to or placed in an
7 on-the-job training position affected by a labor
8 dispute involving a work stoppage. No payments
9 may be made to employers for the training and
10 employment of participants in on-the-job training
11 during the periods of work stoppage.

12 D. Upon the completion of the grant diversion
13 subsidy, the employer, except for good cause,
14 shall offer the participant unsubsidized employ-
15 ment with at least equivalent wages, hours and
16 working conditions.

17 E. No Aid to Families with Dependent Children
18 grant diversion program participant may be placed
19 in a job for which the wages and working condi-
20 tions are substantially less favorable than those
21 prevailing for similar work in the locality.

22 F. Each grant diversion program participant
23 shall receive the same wages and benefits and
24 shall be subject to the same working conditions
25 as employees with the same seniority performing a
26 substantially equivalent job in the same orga-
27 nizational unit.

28 G. This subsection is repealed on June 30, 1985.

29 Emergency clause. In view of the emergency cited
30 in the preamble, this Act shall take effect when
31 approved.

32 STATEMENT OF FACT

33 This new draft makes clear that Aid to Families
34 with Dependent Children recipients shall participate

1 in the grant diversion program on a voluntary basis
2 only. It establishes 6 specific requirements neces-
3 sary to protect the program from potential abuse. The
4 new draft also adds a sunset provision to the bill.

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