

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 767, L.D. 1071, Bill, "An Act to Authorize the Department of Human Services to Implement the Provisions of the United States Family Support Act of 1988"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, unless this legislation is enacted as an emergency measure, the medical assistance program under the Additional Support for People in Retraining and Education Program will be repealed prior to the expiration of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 22 MRSA §3741-B, as enacted by PL 1987, c. 856, §§2 and 10, is repealed and the following enacted in its place:

§3741-B. Family Services Program

1. Registration. Teenage parents may be required to register in a program administered by the department specifically designed to encourage completion of education and enhance self-sufficiency. The program shall be known as the Family Services Program.

1 2. Prohibition against discrimination. Prior to the
2 implementation of the Job Opportunities and Basic Skills Training
3 Program provisions of the Family Support Act of 1988, United
4 States Public Law 100-485, failure to register and actively
5 participate in this program may not result in ineligibility for
6 benefits under this chapter or chapter 1053-A or 1054, except
7 that any supplemental support services, such as child care and
8 transportation, may be withheld until the teenage parent actively
9 participates in the required program.

11 Upon implementation of the Job Opportunities and Basic Skills
12 Training Program provisions of the Family Support Act of 1988, a
13 custodial teenage parent who has not successfully completed a
14 high school education, or its equivalent, shall be required to
15 participate in the Additional Support for People in Retraining
16 and Education Program in accordance with the provisions of the
17 Family Support Act of 1988, provided that the department shall
18 adopt any options available under that Act that provide for
19 voluntary participation by any group of custodial parents under
20 20 years of age.

21 3. Case management. Each person participating in the
22 Family Services Program shall have a case manager. The case
23 manager shall:

24 A. Assess the participant's social, educational and
25 supportive service needs;

26 B. Develop, in consultation with the participant, a program
27 plan which shall, to the maximum extent possible, reflect
28 the preferences of the participant;

29 C. Arrange for the provision of all services, including
30 counseling, identified in the plan; and

31 D. Monitor the participant's progress throughout the plan
32 and discuss progress with the participant as appropriate.

33 The case manager may consult with representatives of the
34 department or the Department of Labor as appropriate but shall
35 have, in consultation with the participant, the exclusive
36 responsibility for developing and coordinating the participant's
37 program plan. The case manager may recommend that an individual
38 continue to participate in the Family Services Program between
39 the ages of 20 and 24 years if that individual would benefit from
40 receiving continued services under this program because of the
41 number of children in the family, the age of the youngest child
42 or the rate of progress of the individual in the program. Upon
43 recommendation of the case manager and approval of the program
44 manager, registration in the Family Services Program shall be
45 considered to be registration for employment-related activities
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1 within the meaning of the United States Code, Title 42, Section
2 602, Subsection 19.

3
4 4. Allocation of funds. Funds shall be allocated to the
5 Family Services Program sufficient to provide administrative
6 support, case management, education and training services and
7 supportive services for all program participants volunteering for
8 the program.

9
10 5. Participant's residence. There shall be no
11 discrimination in the provision of Family Services Program
12 services or Aid to Families with Dependent Children cash
13 assistance provided by section 3741 to teenage parents on the
14 basis of their living situation. Teenage parents receiving Aid
15 to Families with Dependent Children benefits and living with a
16 parent or another responsible adult shall be eligible for program
17 services and be given the same opportunity to participate in the
18 program as those who do not live with a parent or other
19 responsible adult.

20
21 Nothing in this subsection prevents the deeming of income from a
22 minor parent's parent, with whom the minor parent is living, to
23 the minor parent as required by the United States Code, Title 42,
24 Section 602.

25
26 6. Rules required. The Department of Human Services shall
27 adopt rules, in accordance with the Maine Administrative
28 Procedure Act, Title 5, chapter 375, for the operation of the
29 Family Services Program. These rules shall provide the same
30 education and training opportunities and supportive services as
31 provided to others who are not teenage parents under the
32 Additional Support for People in Retraining and Education Program.

33
34 7. Data collection. The Bureau of Income Maintenance, the
35 Bureau of Social Services and the Bureau of Health, in
36 consultation with programs providing service to pregnant
37 teenagers and teenage parents, and advocacy groups representing
38 those teenagers, shall develop a uniform data collection system
39 by February 14, 1990.

40
41 Sec. 2. 22 MRSA §3772, sub-§4, as amended by PL 1983, c. 730,
42 §4, is further amended to read:

43
44 4. Registrant. "Registrant" means a recipient of Aid to
45 Families with Dependent Children under the United States Social
46 Security Act, Title-IV-(A) Subchapter IV-A, who has registered
47 with the Welfare,--Employment,--Education--and--Training--Program--of
48 the--Department--of--Human--Services--or--its--successors department for
49 education, training, supportive services and employment
50 activities pursuant to the United States Social Security Act,
51 Title-IV-(G) Subchapter IV-F, or its successors.

1 Sec. 3. 22 MRSA §3781, as enacted by PL 1987, c. 856, §§7 and
2 10, is amended to read:

3
4 §3781. Additional Support for People in Retraining and Education
5 Program established

6
7 1. Administration. The Additional Support for People in
8 Retraining and Education Program shall be administered by the
9 ~~Department of Human Services and jointly operated by the~~
10 ~~Department of Human Services, the Department of Labor and other~~
11 ~~state agencies having responsibilities relating to the goals of~~
12 ~~this program~~ department. The ~~Department of Human Services may~~
13 department shall contract with the Department of Labor to
14 implement this program in selected areas of the State in
15 accordance with section 3782, subsection 2. The department may
16 also contract with other public agencies, as well as private
17 agencies and individuals, to implement this program in selected
18 areas of the State.

19
20 2. Purpose. The purpose of this program is to provide
21 services and support to recipients of Aid to Families with
22 Dependent Children and food stamps and to reduce dependence on
23 public assistance. The principal goal shall be to assist the
24 recipient in securing stable employment which pays wages
25 sufficient to maintain adequate family income without public
26 assistance and to increase the basic life skills and
27 self-confidence of the recipient.

28
29 3. Employability plan. The department and the client shall
30 enter into ~~a contract~~ an employability plan to embody the goals
31 of the client and the services and support of agencies' services
32 offered by the program.

33
34 4. Scope of program. The department may administer a job
35 opportunities and basic skills training program for recipients of
36 Aid to Families with Dependent Children in accordance with the
37 United States Social Security Act, United States Code, Title 42,
38 Subchapters IV-A and IV-F, and the regulations promulgated
39 pursuant to that Act.

40
41 5. Food stamp recipients. The department may administer a
42 job opportunities program for recipients of food stamps in
43 accordance with the United States Food Stamps Act of 1977, Public
44 Law 93-133, Section 17, as amended by the Food Security Act of
45 1985, Public Law 99-198, and the food and nutrition service
46 regulations, 7 Code of Federal Regulations, Section 273.7,
47 adopted December 31, 1986. In accordance with federal law,
48 recipients of benefits who volunteer for the program need not be
49 served first.

50
51 Sec. 4. 22 MRSA §3782, sub-§2, as enacted by PL 1987, c. 856,
52 §§7 and 10, is repealed and the following enacted in its place:

1
2. Coordination. The department shall coordinate its job
3 opportunities and basic skills training program established by
4 this chapter with programs operated under the Federal Job
5 Training Partnership Act, as established in Public Law 97-300,
6 enacted October 13, 1982, and with any other relevant employment,
7 training and education program available in the State.

9 A. In areas where the department and the Department of
10 Labor jointly provide service, the department shall
11 coordinate the following functions:

13 (1) Identification of the program participant's
14 pretraining needs;

15 (2) Provision of prevocational training as it relates
16 to social development and life-skills adjustment;

17 (3) Provision of support services; and

18 (4) Case management services for the participant's
19 period of enrollment.

20 B. In areas where the department and the Department of
21 Labor jointly provide service, the Department of Labor shall
22 coordinate the following functions:

23 (1) Identification of training needs;

24 (2) Provision of prevocational training as it relates
25 to employability development;

26 (3) Provision of skills training;

27 (4) Provision of access to education; and

28 (5) Job placement.

29 C. In areas where the department contracts with the
30 Department of Labor, the Department of Labor's job training
31 program shall coordinate the functions listed in paragraph A.

32 Sec. 5. 22 MRSA §3782, sub-§§3 to 5 are enacted to read:

33 3. Services. Each registrant shall receive the supportive
34 and education and training services, including respite care,
35 necessary to participate successfully in any education, training
36 and employment program in accordance with the registrant's
37 employability plan. No person employed under the Additional
38 Support for People in Retraining and Education Program may
39 negotiate with any program participant to accept less service
40

1 than that for which the participant is eligible under program
2 rules.

3
4 4. Assessment. Each participant's case manager shall
5 conduct an individualized assessment, including a personal
6 meeting, to determine that individual's education and training
7 needs and occupational goal. A participant shall be provided a
8 more comprehensive assessment, including the use of a
9 self-assessment survey, or literacy or vocational testing, only
10 when a determination as to training needs and occupational goal
11 cannot reasonably be made without further assessment.

12
13 Nothing in this subsection shall preclude literacy testing as
14 part of an individual's original assessment, if the case manager
15 determines that it is necessary or the participant requests it.
16 If a determination of necessity or request is made, the case
17 manager shall arrange for literacy testing at no or minimal cost
18 whenever possible.

19
20 5. Employability plan. An employability plan shall be
21 adopted for each program participant which includes that
22 individual's education, training and employment plan and the
23 support services necessary to participate in that plan. The
24 participant's first employability plan shall be established
25 promptly, in accordance with rules adopted by the department,
26 after the completion of all of that individual's assessment
27 activities. The rules shall provide for an expedited procedure
28 for the development of an employability plan when necessary to
29 meet the participation or enrollment requirements of an
30 educational institution or training program for which the
31 participant requests assistance.

32
33 Sec. 6. 22 MRSA §3783, as enacted by PL 1987, c. 856, §§7 and
34 10, is amended by inserting at the end a new paragraph to read:

35 This section is repealed April 1, 1990.

36
37 Sec. 7. 22 MRSA §3783-A is enacted to read:

38
39 §3783-A. Transitional services

40
41 1. Transitional services. Effective April 1, 1990, the
42 department shall establish a program to provide transitional
43 child care and transportation services to former recipients of
44 the Aid to Families with Dependent Children program who have
45 become ineligible for payments under that program because of
46 increased earnings from employment, increased hours of employment
47 or loss of the so-called 30 and 1/3 earned income disregard.
48
49

1 Transitional child care services may be available for up to 12
3 months and transportation services for up to 6 months beginning
in the month in which ineligibility begins, provided that:

5 A. The family unit received Aid to Families with Dependent
7 Children benefits in at least 3 of the 6 months immediately
preceding the month of ineligibility;

9 B. The family unit includes a child who, throughout the
11 transition period, meets the definition of dependent child
13 outlined in the United States Social Security Act, Section
15 406(a);

17 C. The caretaker relative of the family unit, as defined in
19 the United States Social Security Act, Section 406(a), has
21 not quit employment without good cause and has not failed to
23 cooperate with the State in establishing or enforcing the
25 caretaker's client support obligations; and

27 D. The family's gross monthly income, less child care costs
29 necessary for the employment of the caretaker relative, does
31 not exceed 185% of the federal poverty income guidelines
33 established as required by the United States Omnibus Budget
35 Reconciliation Act of 1981, Public Law 97-35, Sections 652
37 and 673(2).

39 2. Sliding fee scale. The department shall establish a
41 sliding fee scale formula to determine the family's ability to
43 contribute to the cost of transitional child care and
45 transportation services. The amounts of reimbursement under the
47 sliding scale shall be reasonably calculated to permit the
49 caretaker relative to remain employed, considering the area of
51 the State and the age of the children requiring care.

The department shall report to the joint standing committee of
the Legislature having jurisdiction over human resource matters
on the proposed transitional services fee schedule it plans to
implement prior to February 14, 1990.

3. ASPIRE exit interview. Prior to the month in which a
family's Aid to Families with Dependent Children benefits will be
terminated because of increased earnings from employment,
increased hours of employment or the loss of so-called 30 and 1/3
earned income disregard, each Additional Support for People in
Retraining and Education Program participant's case manager shall
conduct a face-to-face exit interview with that participant. At
this interview the participant's eligibility for transitional
services available under this section shall be determined and the
participant shall be given the opportunity to apply for any
one-time support services not available under this section but
provided by Additional Support for People in Retraining and
Education Program rules. The participant's eligibility for any

1 one-time support services for which that participant has applied
2 shall be determined promptly, but, in no case, after the last
3 month in which the participant is eligible for Aid to Families
4 with Dependent Children cash assistance. Nothing in this
5 subsection requires a separate application for transitional
6 services.

7
8 4. Child care standards. Child care provided pursuant to
9 this section must meet minimum standards of health and safety
10 required by law.

11 **Sec. 8. 22 MRSA §3784, sub-§1, as enacted by PL 1987, c. 856,**
12 **§§7 and 10, is amended to read:**

13
14 **1. Program established; eligibility.** The department may
15 provide extended medical assistance to former recipients of the
16 Aid to Families with Dependent Children Program ~~Program~~ program who have
17 become ineligible for financial assistance under that program
18 because of earnings from employment obtained as a result of
19 participation in the Additional Support for People in Retraining
20 and Education Program. Families with gross monthly income
21 equaling more than 150% of the federal poverty income guidelines
22 shall be ineligible for extended medical assistance under this
23 section.

24
25 In each notice of termination of assistance under the Aid to
26 Families with Dependent Children program sent to a family meeting
27 the requirements of this subsection, the department shall notify
28 the family of its right to extended medical assistance under this
29 section including a description of the potential for additional
30 assistance available under subsection 4.

31
32 **Sec. 9. 22 MRSA §3784, sub-§7, as enacted by PL 1987, c. 856,**
33 **§§7 and 10, is repealed and the following enacted in its place:**

34 **7. Sunset.** This section is repealed on April 1, 1990.

35
36 **Sec. 10. 22 MRSA §3784-A is enacted to read:**

37
38 **§3784-A. Extended medical assistance**

39
40 **1. Twelve-month extension.** To families who become
41 ineligible for Aid to Families with Dependent Children benefits
42 on or after April 1, 1990, the department shall provide extended
43 medical assistance in accordance with the United States Social
44 Security Act, Section 1925. If the eligible family chooses to
45 accept the 2nd 6-month extension provided in that Act,
46 eligibility during that period shall:

1 A. Terminate at the end of the first month in which the
3 family no longer includes a child who meets the definition
of a dependent child;

5 B. If a family fails to pay any premium for a month by the
7 21st day of the following month, terminate at the close of
that following month, unless the family has established good
9 cause for the failure to pay the premium on a timely basis;

11 C. Terminate at the end of the first or 4th month of that
13 period if the family fails without good cause to report in a
timely fashion its gross monthly earnings and costs of
15 necessary child care. If good cause is not shown, the
17 department shall adopt the option permitted under federal
law which is least likely to result in ineligibility for
extended medical assistance;

19 D. Terminate at the end of the first or 4th month of that
21 period if the caretaker relative without good cause had no
earnings in one or more of the previous 3 months; or

23 E. Terminate at the end of the first or 4th month of that
25 period if the family's average gross earnings, less costs
for child care necessary for the employment of the caretaker
27 relative, during the preceding 3 months exceed 185% of the
official poverty line for the family's size.

29 2. Premium. If the family chooses to accept the 2nd
31 6-month extension, the department shall impose a premium for
extended coverage in accordance with the United States Social
33 Security Act, Section 1925(b), and the regulations promulgated
pursuant to that Act.

35 No family eligible to receive extended medical assistance under
37 this section, whose gross income, less costs for child care as
are necessary for the employment of the caretaker relative,
39 equals or is less than 125% of the federal poverty guidelines
established as required by the United States Omnibus Budget
41 Reconciliation Act of 1981, Public Law 97-35, Sections 652 and
673(2), shall be required to pay any premium, deductible,
copayment or similar charge for assistance.

43 Families eligible to receive assistance under this section whose
45 gross monthly income, less costs for child care necessary for the
employment of the caretaker relative, is between 125% and 150% of
47 the federal poverty guidelines shall pay a monthly premium for
assistance equal to 1% of that family's income that would be
49 countable in determining a benefit amount under the Aid to
Families with Dependent Children program.

51 Families eligible to receive assistance under this section whose
gross monthly income, less costs for child care as necessary for

1 the employment of the caretaker relative, is between 150% and
2 185% of the federal poverty guidelines shall pay a monthly
3 premium for such assistance equal to 2% of that family's income
4 that would be countable in determining a benefit amount under the
5 Aid to Families with Dependent Children program.

7 3. Coverage provided by private insurers. The department
8 shall make a recommendation to the joint standing committee of
9 the Legislature having jurisdiction over human resource matters
10 by February 14, 1990, regarding the options available under the
11 United States Social Security Act, Section 1925(a)(4), for the
12 provision of transitional health insurance coverage by private
13 insurers.

15 The department shall investigate the extent to which a family,
16 eligible for transitional medical assistance under this section,
17 may be unable to enroll in any health insurance policy offered by
18 its employer at the time of termination of this assistance
19 because of a policy of the employer or insurer, and include in
20 its recommendation a procedure to address any problem which is
21 found.

23 4. Third-party liability. The department shall seek
24 reimbursement from any 3rd party who is liable to pay for medical
25 care and services available under this section in all cases when
26 the amount of reimbursement the State reasonably expects to
27 recover exceeds the costs of recovery. Payments for premiums,
28 deductibles, coinsurance and similar expenses under this section
29 shall be considered to be payments for medical assistance.

31 5. Scope of coverage. Extended assistance offered during
32 the 2nd 6-month extension shall be the same in scope and amount
33 as if the family were receiving cash assistance under the Aid to
34 Families with Dependent Children program.

35 **Sec. 11. 22 MRSA §3788 is enacted to read:**

37 **§3788. Program requirements**

39 1. Notice of program assistance. The department shall
40 provide written notice to all applicants for and recipients of
41 the Aid to Families with Dependent Children program of the range
42 of education, employment and training opportunities, and the
43 types of support services, including transitional support
44 services and medical assistance, available under the Additional
45 Support for People in Retraining and Education Program.

47 2. Application; decision. An applicant may apply for a
48 particular type of training and support services at the office of
49 the program provider serving the area in which that individual
50 lives. The program provider shall issue a written decision
51 promptly, in accordance with rules adopted by the department, on

1 all applications and shall include the type and amount of
2 assistance that has been authorized or denied, the reasons and
3 specific rules supporting that action and an explanation of the
4 individual's right to request a fair hearing.

5
6 3. Readability. All notices, applications and decisions
7 intended to be read by program applicants or participants shall
8 be designed to be easily understood, and shall have a readability
9 score, as determined by a recognized instrument for measuring
10 adult literacy, equivalent to no greater than a 6th grade reading
11 level.

12
13 4. Provision of support services. Beginning January 1,
14 1990, payment for support services shall be furnished promptly,
15 in accordance with rules adopted by the department, to, or on
16 behalf of, eligible individuals, and shall be continued regularly
17 for all eligible individuals until they are found to be
18 ineligible. The rules shall provide for an expedited procedure
19 for payment for support services when those services are
20 immediately necessary to enable the individual to participate in
21 an approved education, training or employment plan.

22
23 5. Education and training service. When a particular
24 approved education or training service is available at comparable
25 cost, including the cost of support services, and the
26 implementation of the employability plan would not be
27 unreasonably delayed, the program participant may choose to
28 enroll for that service with the provider of that person's
29 preference.

30
31 6. Report. The department and the Department of Labor
32 shall include in their joint report submitted to the joint
33 standing committee of the Legislature having jurisdiction over
34 human resource matters due on or before February 14, 1990, a
35 statement of total program dollars, average dollars per
36 participant and number of participants receiving the following
37 services in fiscal year 1989-90 and the first half of fiscal year
38 1990-91:

39
40 A. Child care;

41
42 B. Transportation;

43
44 C. Training assessment;

45
46 D. Career transition and exploration workshop;

47
48 E. Job readiness workshop; and

49
50 F. Job search and development workshop.

1 With respect to paragraphs C through F, the report shall indicate
2 the number of participants receiving services from a Job Training
3 Partnership Act agency and the number of participants receiving
4 services by contract with other providers, including the program
5 name of those other providers.

7 **Sec. 12. Repeal.** This Act is repealed on July 1, 1990.

9
11 **FISCAL NOTE**

13 Any costs associated with the Department of Human Services
14 compilation of health coverage information which will be included
15 in the department's recommendations to the Legislature by
16 February 14, 1990, will be absorbed within existing resources.

17
19 **STATEMENT OF FACT**

21 This amendment makes changes in the laws relating to the
22 Additional Support for People in Retraining and Education Program
23 to conform to the federal Family Support Act of 1988, Public Law
24 100-485, and to improve the administration of the Additional
25 Support for People in Retraining and Education Program.

Reported by the Majority of the Committee on Human Resources
Reproduced and distributed under the direction of the Clerk of the
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6/16/89

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