

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1590, L.D. 2202, Bill, "An Act to Implement Certain Provisions of the Federal Family Support Act of 1988 and Improve Access to Services in the Additional Support for People in Retraining and Education Program"

Amend the bill in section 1 in that part designated "~~§3741-C.~~" in subsection 3 in paragraph B in the last line (page 1, line 30 in L.D.) by striking out the following: "and"

Further amend the bill in section 1 in that part designated "~~§3741-C.~~" in subsection 3 by striking out all of paragraph C and inserting in its place the following:

'C. If appropriate, custodial parents who are 17 or 18 years of age may be required to seek and accept employment; and

D. A person eligible under this subsection may not be required to seek or accept employment in lieu of participating in a training or work activity.'

Further amend the bill in section 1 by striking out all of that part designated "~~§3741-E.~~" and inserting in its place the following:

'§3741-E. Voluntary participants given priority

1. First priority given to targeted recipients who volunteer. Recipients of federal Aid to Families with Dependent Children who are within one of the federal Job Opportunity and Basic Skills training program, or JOBS, target populations or are eligible on the basis of unemployed parent status and who volunteer to participate in the Additional Support for People in Retraining and Education program must be given first consideration for services. The federal JOBS target populations are individuals who:

2 A. Have received federal Aid to Families with Dependent  
Children for any 36 of the preceding 60 months;

4 B. Are custodial parents under 24 years of age who:

6 (1) Have not completed a high school education and are  
not enrolled in high school at the time of application;  
8 or

10 (2) Had little or no work experience in the preceding  
year; or

12 C. Are members of families in which the youngest child  
14 because of age is within 2 years of being ineligible for  
federal Aid to Families with Dependent Children.

16 2. Mandatory participation to meet federal mandates.

18 Recipients of federal Aid to Families with Dependent Children who  
do not volunteer and are either in the JOBS target populations or  
20 eligible on the basis of unemployed parent status may be required  
to participate in the Additional Support for People in Retraining  
22 and Education program only in order to meet the federal  
participation requirements necessary to receive enhanced federal  
24 matching funds under the federal Family Support Act of 1988,  
Public Law 100-485, or its successor.

26 3. Voluntary participation when federal mandates are  
28 exceeded. Recipients of federal Aid to Families with Dependent  
Children who are not members of the JOBS target populations and  
30 volunteer to participate in the Additional Support for People in  
Retraining and Education program must be given priority for  
32 program services in any month, on a prorated basis, in which the  
department has exceeded by 5% the federal participation  
34 requirements necessary to receive enhanced federal matching funds  
in that fiscal year under the federal Family Support Act of 1988,  
36 Public Law 100-485, or its successor.'

38 Further amend the bill in section 1 in that part designated  
40 "§3741-F." in subsection 1 in paragraph B in the first line (page  
3, line 30 in L.D.) by striking out the following: "the choice  
42 of receiving" and in the 2nd and 3rd lines (page 3, lines 31 and  
32 in L.D.) by striking out the following: "or as a vendor  
payment made directly to the child care provider"

44 Further amend the bill in section 1 in that part designated  
46 "§3741-F." in subsection 2 in the 3rd line (page 3, line 49 in  
L.D.) by striking out the following: "6" and inserting in its  
48 place the following: '3'

50 Further amend the bill in section 1 in that part designated  
52 "§3741-G." in the first paragraph in the last 2 lines (page 4,  
lines 12 and 13 in L.D.) by striking out the following: "The

2 department shall;" and inserting in its place the following: '1  
3 subject to the following.'

4 Further amend the bill in section 1 in that part designated  
5 "§3741-G." in subsection 1 in the first line (page 4, line 15 in  
6 L.D.) by striking out the following: "Provide" and inserting in  
7 its place the following: 'The department shall provide' and in  
8 the last line (page 4, line 17 in L.D.) by striking out the  
9 following: ";" and inserting in its place the following: '1'

10  
11 Further amend the bill in section 1 in that part designated  
12 "§3741-G." by striking out all of subsection 2 and inserting in  
13 its place the following:

14 '2. Premiums; copayments; deductibles. In accordance with  
15 federal law, the department may require participants whose net  
16 family income exceeds 133% of the federal poverty level and is  
17 less than 185% of the federal poverty level to pay a premium not  
18 to exceed 3% of their net family income, less the child care  
19 deduction.'

20  
21 Further amend the bill in section 1 in that part designated  
22 "§3741-G." in subsection 3 in the first line (page 4, line 23 in  
23 L.D.) by striking out the following: "Provide" and inserting in  
24 its place the following: 'The department shall provide' and in  
25 the last line (page 4, line 26 in L.D.) by striking out the  
26 following: "; and" and inserting in its place the following: '1'

27  
28 Further amend the bill in section 1 in that part designated  
29 "§3741-G." by striking out all of subsection 4.

30  
31 Further amend the bill by striking out all of section 3 and  
32 inserting in its place the following:

33 'Sec. 3. 22 MRSA §3781, sub-§1, as amended by PL 1989, c. 501,  
34 Pt. Y, §2, is further amended to read:

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36  
37  
38 1. Administration. The Additional Support for People in  
39 Retraining and Education Program-shall-be program is administered  
40 by the Department of Human Services. The Department of Human  
41 Services shall, consistent with the goals of the Additional  
42 Support for People in Retraining and Education Program program,  
43 contract with the Department of Labor to implement this program.  
44 The department may also contract with other public agencies, as  
45 well as private agencies and individuals, to implement this  
46 program in selected areas of the State. The department may not  
47 contract for the delivery of the program in its entirety in any  
48 area of the State that was not under contract on March 1, 1990.  
49 Contracts entered into under this subsection may not exceed one  
50 year in duration.

2 If the department contracts for the provision of program services  
4 under this subsection, it shall monitor each contract agency at  
6 least annually to ensure compliance with sections 3786 and 3788  
8 and to ensure compliance with the contracts entered into by the  
10 parties. The department shall adopt rules in accordance with the  
12 Maine Administrative Procedure Act by which satisfactory  
14 performance is measured. The rules must identify the  
16 circumstances under which sanctions, including contract  
18 suspension, reduction or termination are applied.'

20 Further amend the bill by striking out all of sections 4 and  
22 5.

24 Further amend the bill by inserting after section 6 the  
26 following:

28 'Sec. 7. 22 MRSA §3784, sub-§7, as amended by PL 1989, c. 501,  
30 Pt. P, §27 and as repealed and replaced by PL 1989, c. 501, Pt,  
32 Y, §4, is repealed and the following enacted in its place:

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

36 Further amend the bill in section 10 in subsection 11 in the  
38 last line (page 7, line 7 in L.D.) by striking out the  
40 following: ". and inserting in its place the following: '; or'

42 Further the amend the bill by inserting after section 10 the  
44 following:

46 'Sec. 11. 22 MRSA §3788, sub-§§5 and 6, as enacted by PL 1989,  
48 c. 501, Pt. Y, §5, are amended to read:

50 5. Provision of support services. Beginning January 1,  
52 1990, payment for support services shall must be furnished  
54 promptly in accordance with rules adopted by the department to,  
56 or on behalf of, eligible individuals as agreed to in the  
58 employability plan. The rules shall must provide for an  
60 expedited procedure for payment for support services when those  
62 services are immediately necessary to enable the participant to  
64 participate in an approved education, training or employment  
66 plan.

68 The support services required to participate in the employability  
70 plan must be specified in an individual opportunity service  
72 contract and each participant must receive the support services  
74 prescribed in that contract, which may include respite care.

76 6. Education and training service. The Additional Support  
78 for People in Retraining and Education program must make  
80 available a broad range of education and training services in  
82 accordance with section 3781, subsection 2. These services and  
84 activities must include all of those services and activities

2 offered by the Additional Support for People in Retraining and  
3 Education program on October 1, 1989. When a particular approved  
4 education or training service is available at comparable quality  
5 and cost, including the cost of support services, and the  
6 implementation of the employability plan would not be  
7 unreasonably delayed, the program participant may choose to  
8 enroll for that service with the provider of that person's  
9 preference. If this decision is not mutually agreed to by the  
10 participant and the case manager, the decision shall must be  
11 reviewed by the case manager's supervisor.

12 **Sec. 12. 22 MRSA §3788, sub-§8** is enacted to read:

13 **8. Annual report.** Beginning in 1991, the department shall  
14 submit a report annually on March 15th to the joint standing  
15 committee of the Legislature having jurisdiction over human  
16 resources. The report must include the number of Additional  
17 Support for People in Retraining and Education program  
18 participants who are receiving pretraining and job search  
19 services and must specify the specific services provided and the  
20 agencies providing those services. A copy of the report must be  
21 submitted to the Office of the Executive Director of the  
22 Legislative Council.'

23  
24 Further amend the bill by striking out all of section 12 and  
25 inserting in its place the following:

26  
27 **'Sec. 12. 22 MRSA §3789-A** is enacted to read:

28  
29 **§3789-A. Decision-making authority reserved to department**

30  
31 If federal law requires the Department of Human Services to  
32 make a case decision, the authority to make that final decision  
33 is reserved to the department.'

34  
35 Further amend the bill by inserting after section 13 the  
36 following:

37  
38 **'Sec. 14. Retroactivity.** The Maine Revised Statutes, Title 22,  
39 sections 3741-F and 3741-G in section 1 of this Act are effective  
40 retroactively to April 1, 1990. Section 4 of this Act is  
41 effective retroactively to April 1, 1990. Section 5 of this Act  
42 is effective retroactively to March 31, 1990.'

43  
44 Further amend the bill by renumbering the sections to read  
45 consecutively.

46  
47 Further amend the bill by adding at the end before the  
48 statement of fact the following:

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**FISCAL NOTE**

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The Department of Human Services has indicated that, based upon current caseload and by maintaining the present level of service, additional funds are not needed to implement the provisions of this bill. The costs associated with self-initiated training and transitional transportation can be supported within budgeted funds, according to the department.'

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**STATEMENT OF FACT**

14

This amendment further achieves the bill's intent, which is to bring provisions of the law governing the Additional Support for People in Retraining and Education program into conformity with the federal Family Support Act of 1988.

16

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This amendment also adds a fiscal note.

Reported by the Committee on Human Resources.

Reproduced and distributed under the direction of the Clerk of the House.

4/3/90

(Filing No. H-1054)