

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2202

H.P. 1590

House of Representatives, January 18, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Brunswick.

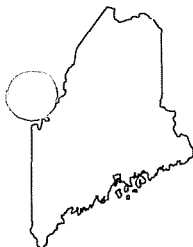
Cosponsored by Representative LISNIK of Presque Isle, Speaker MARTIN of Eagle Lake and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

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.

(EMERGENCY)



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

Whereas, certain provisions of the federal Family Support Act of 1988, must be implemented by April 1, 1990; and

Whereas, state law must be amended to enable that implementation; and

Whereas, the federal Family Support Act of 1988 enables the State to receive federal financial contribution for services currently provided solely with state funds; and

Whereas, the federal Family Support Act of 1988 provides significant new assistance to persons receiving federal Aid to Families with Dependent Children who are seeking to become self-sufficient; and

Whereas, in view of funding shortfalls, Additional Support for People in Retraining and Education spending must be reorganized to maximize the amount of funds available for education, training and support services for program participants; 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,

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

Sec. 1. 22 MRSA §§3741-C to 3741-H are enacted to read:

§3741-C. Education, training or employment participation requirements

Beginning October 1, 1990, all recipients of federal Aid to Families with Dependent Children are required to participate in an education, training or employment program in accordance with the mandatory participation provisions of the federal Family Support Act of 1988, Public Law 100-485, except that:

1. General requirement. A recipient of federal Aid to Families with Dependent Children is not required to participate in an education, training or employment activity as a condition of eligibility for federal Aid to Families with Dependent Children, if that person is the parent or other relative of a child under 3 years of age who is personally providing care for that child;

2. Families eligible for federal Aid to Families with

2 Dependent Children by reason of unemployment. If a family is
4 eligible for federal Aid to Families with Dependent Children by
6 reason of the unemployment of the parent who is the principal
8 wage earner:

10 A. One parent is eligible to be excused from mandatory
12 participation based on the age of the child, in accordance
14 with subsection 1; and

16 B. A parent who is under 25 years of age and has not
18 completed high school or an equivalent course of education
20 shall be given the choice of participating in educational
22 activities directed at the attainment of a high school
24 diploma, or its equivalent, in lieu of other required
26 activities; and

28 3. Custodial parents under 20 years of age. When an
30 appropriate program is available in the part of the State
32 involved and resources permit, a custodial parent who has not
34 attained 20 years of age and who has not successfully completed a
36 high school education, or its equivalent, is required by the
38 department to participate in an educational activity, except that:

40 A. A person personally providing care for a child under 6
42 years of age, is not required to participate for more than
44 20 hours a week;

46 B. The department must establish criteria under which
48 custodial parents who have not attained 18 years of age are
50 exempt from the school attendance requirement; and

52 C. A person eligible under this subsection is not required
54 to seek or accept employment in lieu of participating in a
56 training or work activity.

58 **§3741-D. Eligibility for Federal Aid to Families with Dependent**
60 **Children based on unemployment**

62 To determine eligibility for federal Aid to Families with
64 Dependent Children based on the unemployment of the principal
66 wage earner, the department shall consider a qualifying quarter
68 of work to include a calendar quarter in which the individual
70 attended, full time, an elementary school, secondary school or
72 vocational-technical training course designed to prepare the
74 individual for gainful employment, or in which the individual
76 participated in a training program under the federal Job Training
78 Partnership Act, 29 United States Code, Section 1501.

80 **§3741-E. Priority given to volunteers**

82 A recipient of federal Aid to Families with Dependent
84 Children is not required to participate in the Additional Support

2 for People in Retraining and Education program until sufficient
3 resources are ensured to serve those seeking to participate in
4 the program on a voluntary basis. This requirement may be
5 modified only to meet participation requirements necessary to
6 receive federal matching funds under the federal Family Support
7 Act of 1988, Public Law 100-485, or its successor, but only to
8 the minimum extent necessary to meet such requirements.

10 **§3741-F. Transitional support services**

12 The department shall establish a program to provide
13 transitional child care and transportation services when the
14 services are necessary for an individual's employment, when a
15 family has ceased to receive federal Aid to Families with
16 Dependent Children as a result of increased hours of, or
17 increased income from, employment or by reason of the exhaustion
18 of the earned income disregard used in determining benefit
19 amounts in the federal Aid to Families with Dependent Children
20 program.

22 1. Transitional child care. The transitional child care
23 program must:

24 A. Provide for the actual cost of child care, less
25 participant contribution, up to the maximum allowable rate
26 established in section 3741-H for a period of 12 months in
27 accordance with the federal Family Support Act of 1988,
28 Public Law 100-485;

30 B. Give the participant the choice of receiving the child
31 care transitional benefit as a direct payment or as a vendor
32 payment made directly to the child care provider; and

34 C. Require contribution by the participant toward the cost
35 of that care. Families with household income that equals or
36 is less than 125% of the federal poverty level shall be
37 responsible for contributing \$1.00 per child per week toward
38 that family's child care expense. Families with household
39 income in excess of 125% of the federal poverty level shall
40 be responsible for contributing 2% of the household income
41 toward the cost of that family's child care expense. The
42 family's contribution may be waived, except for a nominal
43 amount, when additional child care assistance is necessary
44 to assist the family in maintaining employment during the
45 transitional period authorized by this section.

46 2. Transportation. The department shall provide
47 transitional transportation assistance for employment-related
48 transportation for a period of 6 months following the last month
49 in which the family received a federal Aid to Families with
50 Dependent Children cash payment. A family is not eligible for
51 this payment if the family income exceeds 200% of the federal
52 poverty level.

2 poverty level. Full reimbursement for all employment-related
3 transportation must be provided to families with household income
4 equal to or less than 125% of the federal poverty level. The
5 department shall establish a declining scale of reimbursement for
6 families with income between 125% and 200% of the federal poverty
7 level.

8 **§3741-G. Extended medical assistance**

10 The department shall administer a program of extended
11 eligibility for medical assistance in accordance with the federal
12 Family Support Act of 1988, Public Law 100-485. The department
13 shall:

14 1. Extension of medical assistance. Provide for the
15 extension of medical assistance without requiring any
16 reapplication for benefits;

17 2. Premiums, copayments, deductibles. Require no recipient
18 premium payment, copayment or deductible not required by the
19 state Medicaid program pursuant to chapter 855;

20 3. Scope of services. Provide the same scope of medical
21 assistance to the individual as provided when the family was
22 receiving federal Aid to Families with Dependent Children cash
23 assistance; and

24 4. Health insurance expenses. Pay a family's expenses for
25 premiums, deductibles, coinsurances or similar costs for health
26 insurance or other health coverage offered by an employer of the
27 caretaker relative or absent parent of a dependent child in
28 accordance with the federal Family Support Act of 1988, Public
29 Law 100-485, Section 303, if the payment results in a savings to
30 the State. If the family has other health coverage, the family
31 is eligible to receive from this program any services for which
32 it is otherwise eligible under this section that are not covered
33 by its other health coverage.

34 **§3741-H. Child care during participation in employment,**
35 **education and training**

36 The department shall provide child care in accordance with
37 the federal Family Support Act of 1988, Public Law 100-485, when
38 the child care is necessary to permit a federal Aid to Families
39 with Dependent Children eligible family member to accept
40 employment, remain employed or participate in an education or
41 training program.

42 1. Method of providing child care. The federal Aid to
43 Families with Dependent Children recipient may choose one of the
44 following methods for receiving child care under this section:

2 A. Receiving direct prospective payment for the cost of
3 care;

4 B. Directing that the department make payment, on the
5 recipient's behalf, directly to a child care provider; or

6 C. Accepting other care available at no cost to the family.

7
8 2. Child care rate. The department shall provide a
9 family's actual cost for child care up to the maximum rate
10 authorized by federal law. In determining the maximum rate, the
11 State shall use a method that results in an amount that equals,
12 or most closely approaches, the actual market rate in different
13 regions of the State for various types of child care services
14 received by families in the State participating in the Additional
15 Support for People in Retraining and Education program.

16
17 Sec. 2. 22 MRSA §3760-C is enacted to read:

18
19 §3760-C. Households headed by minor parents

20
21 An otherwise eligible minor parent is not required as a
22 condition of eligibility for federal Aid to Families with
23 Dependent Children to reside with a parent or other legal
24 guardian.

25
26 Sec. 3. 22 MRSA §3781, sub-§1, as amended by PL 1989, c. 501,
27 Pt. Y, §2, is further amended to read:

28
29 1. Administration. The Additional Support for People in
30 Retraining and Education Program shall be is administered by the
31 Department of Human Services. The Department of Human Services
32 shall, consistent with the goals of the Additional Support for
33 People in Retraining and Education Program, contract with the
34 Department of Labor to implement this program. The department
35 may also contract with other public agencies, as well as private
36 agencies and individuals, to implement this program in selected
37 areas of the State.

38
39 Sec. 4. 22 MRSA §3782, as amended by PL 1989, c. 443, §57 and
40 c. 501, Pt. Y, §3, is repealed.

41
42 Sec. 5. 22 MRSA §3782-A is enacted to read:

43
44 §3782-A. Program and services

45
46 1. Case management services. The department shall provide
47 case management services, including the determination of
48 eligibility for and provision of necessary support services,
49 directly to Additional Support for People in Retraining and
50 Education participants. The department may contract with the
51 adult education programs, Title 20-A, chapter 315; the University
52

2 of Maine System, Title 20-A, chapter 411; the Maine Technical
3 College System, Title 20-A, chapter 431; the displaced homemaker
4 program, Title 26, chapter 21; the job training program, Title
5 26, chapter 25; and any other institution or program with
6 demonstrated effectiveness in providing pretraining, training or
7 education services, to provide those services to Additional
8 Support for People in Retraining and Education participants. For
9 purposes of this subsection, "support services" includes all
10 support services for which Additional Support for People in
11 Retraining and Education participants are eligible, including
12 those services directly related to education or training, such as
13 tuition, fees, books, uniforms, tools and other related services.

14 2. Supportive services. Each registrant must receive the
15 supportive and manpower services, including respite care,
16 necessary to participate successfully in any education, training
17 and employment program. These services must be set out in the
18 registrant's employability plan.

19 3. Education and training services. The Additional Support
20 for People in Retraining and Education program must make
21 available a broad range of education and training services as
22 established by section 3781, subsection 2. These services and
23 activities include all of those services and activities offered
24 by the Additional Support for People in Retraining and Education
25 program on October 1, 1989.

26
27 **Sec. 6. 22 MRSA §3783, as enacted by PL 1987, c. 856, §§7 and**
28 **10, is repealed.**

29
30 **Sec. 7. 22 MRSA §3785, sub-§4, as enacted by PL 1987, c. 856,**
31 **§§7 and 10, is amended to read:**

32
33 **4. Lack of supportive services. Lack, or breakdown, of**
34 **necessary supportive services such as child care or**
35 **transportation with no appropriate alternatives available at no**
36 **cost to the participant;**

37
38 **Sec. 8. 22 MRSA §3785, sub-§8, as enacted by PL 1987, c. 856,**
39 **§§7 and 10, is amended to read:**

40
41 **8. Crises or special circumstances. Any crises or special**
42 **circumstances which that arise ~~that-cause~~ causing a registrant to**
43 **be absent from or discontinue any department activity about which**
44 **the department has been advised and has determined to constitute**
45 **good cause; or**

46
47 **Sec. 9. 22 MRSA §3785, sub-§9, as enacted by PL 1987, c. 856,**
48 **§§7 and 10, is repealed.**

49
50 **Sec. 10. 22 MRSA §3785, sub-§§10 to 12 are enacted to read:**

51
52 **10. Caretakers of children under 6 years of age.**

2 Assignment by the department to an activity that would require
3 the registrant to work more than 20 hours per week, if the
4 registrant is a parent or relative personally providing care for
5 a child under 6 years of age;

6 11. Net loss of cash income. Employment resulting in the
7 family of the participant experiencing a net loss of cash income.

8
9 12. Other good cause. Any other reason resulting in
10 failure to participate that is beyond the control of the
11 participant or that a reasonable person would determine to be
12 good cause.

13 **Sec. 11. 22 MRSA §3789 is enacted to read:**

14
15 **§3789. Self-initiated training**

16
17 1. Participation requirement satisfied. If a federal Aid
18 to Families with Dependent Children recipient is attending, in
19 good standing, in an institution of higher education, or a school
20 or course of vocational or technical training consistent with the
21 individual's employment goals, and is making satisfactory
22 progress in that institution, school or course at the time the
23 recipient would otherwise commence participation in the program,
24 such attendance constitutes satisfactory participation in
25 Additional Support for People in Retraining and Education.

26
27 2. Education, training and support services. The
28 department rules pertaining to education, training and support
29 services for Additional Support for People in Retraining and
30 Education participants apply equally to persons who are in
31 self-initiated training at the time that person would otherwise
32 commence participation in Additional Support for People in
33 Retraining and Education.

34
35 **Sec. 12. 22 MRSA §3788, sub-§4, as enacted by PL 1989, c. 501,**
36 **Pt. Y, §5, is amended to read:**

37
38 4. Employability plan. An employability plan shall ~~must~~ be
39 adopted for each program participant which ~~shall-include~~ includes
40 that individual's education, training and employment plan and the
41 support services necessary to participate in that plan. The
42 participant's first employability plan shall ~~must~~ be established
43 promptly, in accordance with rules adopted by the department.
44 The rules shall ~~must~~ provide for an expedited procedure for the
45 development of an employability plan when necessary to meet the
46 participation or enrollment requirements of an educational
47 institution or training program.

48
49 The department may modify or terminate an employability
50 development plan agreed to by all parties only:

2 A. When it is determined that the participant is no longer
3 eligible for the services provided in the plan. The
4 participant must be given notice in writing and the
5 opportunity for a hearing prior to any modification or
6 termination; or

7 B. At the request of the participant upon a showing that
8 additional services are needed to participate in the
9 activity specified in the plan or that the plan is no longer
10 appropriate for the participant.

11 **Sec. 13. PL 1987, c. 856, §10 is repealed.**

12 **Emergency clause.** In view of the emergency cited in the
13 preamble, this Act shall take effect when approved.

14
15 **STATEMENT OF FACT**

16
17
18
19
20 This bill conforms current provisions of the law governing
21 the Additional Support for People in Retraining and Education
22 program to new requirements of the federal Family Support Act and
23 includes several policy choices related to that federal
24 legislation. This bill also makes clear that the Department of
25 Human Services will provide case management services to
26 Additional Support for People in Retraining and Education
27 participants statewide and may contract with a variety of
28 providers for education, training and pretraining services to
29 Additional Support for People in Retraining and Education
30 participants.