

# MAINE STATE LEGISLATURE

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L.D. 1513

(Filing No. H- 564 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1118, L.D. 1513, Bill, "An Act to Amend the ASPIRE Program"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Welfare Reform'

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

'Sec. 1. 5 MRSA §1549 is enacted to read:

§1549. Contractors to notify State of job openings

The Department of Administrative and Financial Services, Bureau of Accounts and Control, shall ensure that a contract with a nonstate contractor that is approved under section 1541 requires the contractor to notify the Additional Support for People in Retraining and Education Program within the Department of Human Services when the contractor has an employment opening for which members of the public may apply.

Sec. 2. 5 MRSA §7054-A is enacted to read:

§7054-A. Access to register for ASPIRE-JOBS participants

In making referrals to a position on an open competitive basis in the classified service, preference must be given to ASPIRE-JOBS participants as set forth in this section.

1. Eligibility. Candidates must be active participants of the ASPIRE-JOBS Program, as defined in Title 22, chapter 1054-A, or current recipients of Aid to Families with Dependent Children who have completed the ASPIRE-JOBS Program within the past year at the time an application for employment is filed with the Bureau of Human Resources in order to be eligible for preference under this section. Candidates shall make their status in the ASPIRE-JOBS Program known to the Director of Human Resources in a

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2 manner prescribed by the director. Eligibility for preference  
3 continues for a period of one year after the date of application  
4 for employment and may be renewed at the end of one year at the  
5 request of the candidate if the candidate continues to meet the  
6 other eligibility criteria specified in this subsection. A  
7 candidate receives preference only if the candidate has earned a  
8 qualifying rating on all relevant examinations.

10 2. Certification preference. Preference is limited to  
11 referral of the highest scoring ASPIRE-JOBS Program participant  
12 as an additional candidate to be interviewed. If the normal  
13 certification procedure includes an eligible ASPIRE-JOBS Program  
14 participant, further preferential certification may not be made.  
15 Preference under this section may not exclude a person who would  
16 be referred normally.

18 **Sec. 3. 22 MRSA §3741-A, as amended by PL 1991, c. 591, Pt.**  
19 **F, §1, is further amended to read:**

20 **§3741-A. Recipients with children 3 years of age and older**

22 ~~The department may seek a waiver from the United States~~  
23 ~~Department of Health and Human Services to establish special~~  
24 ~~eligibility requirements for assistance under this chapter to~~  
25 ~~require participants with children 3 years of age and older to~~  
26 ~~register for the Additional Support for People in Retraining and~~  
27 ~~Education Program established in chapter 1054-A. The eligibility~~  
28 ~~requirements under this waiver shall provide that:~~

30 **1. Current exemptions.** No A recipient may not be required  
31 to register for the ASPIRE-JOBS Program who would otherwise be  
32 exempt from registration under the United States Social Security  
33 Act, United States Code, Title 42, Section 602, Subsection 19 and  
34 ~~regulations promulgated pursuant thereto.~~

36 **2. Child with special needs.** No A recipient may not be  
37 required to participate in the ASPIRE-JOBS Program who has a  
38 child with special needs. A child with special needs means a  
39 child who has needs, professionally documented, related to  
40 physical disabilities, mental illness, mental retardation,  
41 developmental delays or disabilities, or emotional or behavioral  
42 ~~problems and.~~

44 **Sec. 4. 22 MRSA §3741-B, as amended by PL 1991, c. 591, Pt.**  
45 **F, §2, is repealed.**

48 **Sec. 5. 22 MRSA §3741-C, as amended by PL 1991, c. 591, Pt.**  
49 **F, §3, is further amended to read:**

50 **§3741-C. Education, training or employment participation**

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requirements

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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~~ as amended.

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

A. One parent is eligible to be excused from mandatory participation based on the age of the child; and

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

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

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

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

C. ~~If appropriate,~~ A custodial parents parent who ~~are~~ is 18 or 18 19 years of age may be required to seek and accept employment; ~~and if:~~

2           (1) That parent fails to make good progress in  
3           successfully completing educational activities; or

4           (2) Prior to that parent being assigned to educational  
5           activities, the department determines that  
6           participation in educational activities is  
7           inappropriate for that parent, based on an educational  
8           assessment and the employment goal established in the  
9           individual's employability plan.

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

16           **Sec. 6. 22 MRSA §3741-E, sub-§§2 and 3, as amended by PL 1991,**  
17           **c. 591, Pt. F, §4, are further amended to read:**

18           **2. Mandatory participation to meet federal mandates.**  
19           Recipients of federal Aid to Families with Dependent Children who  
20           do not volunteer may be required to participate in the  
21           ASPIRE-JOBS ~~program~~ Program only in order to meet the federal  
22           participation requirements necessary to receive enhanced federal  
23           matching funds under the federal Family Support Act of 1988,  
24           Public Law 100-485, or its successor.

25           **3. Voluntary participation when federal mandates are**  
26           **exceeded.** Recipients of federal Aid to Families with Dependent  
27           Children who volunteer regardless of their JOBS target status to  
28           participate in the ASPIRE-JOBS ~~program~~ Program must be given  
29           priority for program services .

32           **Sec. 7. 22 MRSA §3741-E, sub-§4, as enacted by PL 1991, c.**  
33           **591, Pt. F, §4, is amended to read:**

36           **4. Order of service.** Recipients of federal Aid to Families  
37           with Dependent Children who volunteer for the ASPIRE-JOBS ~~program~~  
38           Program must be served in order of date of participation in  
39           ASPIRE-JOBS ~~program~~ Program orientation in accordance with this  
40           section; except that nothing in this section prohibits the  
41           department from making use of services for volunteers when the  
42           ASPIRE-JOBS ~~program~~ Program matching expenditure for that service  
43           is available from another bureau or agency or the service is  
44           available at no cost to the ASPIRE-JOBS ~~program~~ Program. Any  
45           such service must be offered to participants in order of the date  
46           of their participation in ASPIRE-JOBS ~~program~~ Program orientation.

48           **Sec. 8. 22 MRSA §3741-E, sub-§5 is enacted to read:**

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2 5. Exception. Notwithstanding subsection 4, the department  
3 may use up to 20% of ASPIRE-JOBS Program funds to serve persons  
4 regardless of their date of participation in the ASPIRE-JOBS  
5 Program orientation. The department may also use ASPIRE-JOBS  
6 Program funds to serve persons regardless of their date of  
7 participation in the ASPIRE-JOBS Program orientation when other  
8 organizations or agencies provide benefits to that participant  
9 that are equal to or greater than the value of services that the  
10 person is eligible to receive under the rules of the ASPIRE-JOBS  
11 Program. This subsection is repealed June 30, 1994.

12 **Sec. 9. 22 MRSA §3741-G, first ¶,** as enacted by PL 1989, c. 839  
13 **§1 and affected by §15, is amended to read:**

14 The department shall administer a program of extended  
15 eligibility for medical assistance in accordance with the federal  
16 Family Support Act of 1988, Public Law 100-485, as amended,  
17 subject to the following.

20 **Sec. 10. 22 MRSA §3741-H,** as amended by PL 1991, c. 591, Pt.  
21 **F, §6, is further amended to read:**

22 **§3741-H. Child care during participation in employment, education**  
23 **and training**

26 The department shall provide child care in accordance with  
27 the federal Family Support Act of 1988, Public Law 100-485, as  
28 amended, when the child care is necessary to permit a federal Aid  
29 to Families with Dependent Children eligible family member to  
30 participate in an the ASPIRE-JOBS component--as--defined--in--the  
31 Title-IV-A-JOBS-State-Plan Program.

32 The department shall provide an ASPIRE-JOBS ~~program~~ Program  
33 participant's actual cost for child care up to the maximum rate  
34 authorized by federal law. In determining the maximum rate, the  
35 State shall use a method that results in an amount that equals,  
36 or most closely approaches, the actual market rate in different  
37 regions of the State for various types of child care services  
38 received by families in the State participating in the  
39 ASPIRE-JOBS ~~program~~ Program.

42 **Sec. 11. 22 MRSA §3741-I, sub-§1, ¶¶A and C,** as enacted by PL  
43 **1991, c. 591, Pt. F, §7, are amended to read:**

44 A. Provide for the actual cost of child care, less  
45 participant contribution, up to the maximum allowable rate  
46 established in section 3741-H for a period of 12 months in  
47 accordance with the federal Family Support Act of 1988,  
48 Public Law 100-485, as amended;

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2 C. Require contribution by the participant toward the cost  
 of that care. Families A family with household income that  
 4 equals or is less than ~~125%~~ 133% of the federal poverty  
 level ~~are~~ is responsible for contributing \$1.00 per child  
 6 per week ~~toward~~ towards that family's child care ~~expense~~  
expenses. Families A family with household income in excess  
 8 of ~~125%~~ 133% of the federal poverty level ~~are~~ is responsible  
 for contributing ~~2%~~ 3% of the household income toward the  
 cost of that family's child care ~~expense~~ expenses. The  
 10 family's contribution may be waived, except for a nominal  
 amount, when additional child care assistance is necessary  
 12 to assist the family in maintaining employment during the  
 transitional period authorized by this section.

14 **Sec. 12. 22 MRSA §3741-I, sub-§2**, as enacted by PL 1991, c.  
 16 591, Pt. F, §7, is amended to read:

18 **2. Transitional transportation services.** The department  
 shall provide limited transitional transportation benefits to  
 20 meet employment-related costs to ASPIRE-JOBS ~~program~~ Program  
 participants who have lost eligibility for Aid to Families with  
 22 Dependent Children benefits due to employment. Benefits must be  
 provided for 90 days following loss of Aid to Families with  
 24 Dependent Children eligibility. The department may adopt  
 regulations that impose a weekly limit on available transitional  
 26 transportation benefits and require a contribution from each  
 participant toward the cost of transportation.

28 **Sec. 13. 22 MRSA §3741-J** is enacted to read:

30 **§3741-J. Mutual agreement**

32 During the ASPIRE-JOBS referral process, a representative of  
 34 the department and each individual who is determined to be a  
mandatory participant under 42 United States Code, Section  
 36 602(a)(19) or who volunteers to participate in the ASPIRE-JOBS  
Program shall sign a form, referred to as a mutual agreement.  
 38 The mutual agreement must outline the requirements of the  
individual to participate in the ASPIRE-JOBS Program when the  
 40 Program is able to provide services necessary for the individual  
to participate in that individual's employability plan.

42 **Sec. 14. 22 MRSA §§3760-G and 3760-H** are enacted to read:

44 **§3760-G. Earned income tax credit**

46 The department shall advise applicants and recipients of Aid  
 48 to Families with Dependent Children regarding the federal earned  
income tax credit, including the opportunity to receive it as an  
 50 advanced payment.

2 **§3760-H. Definitions**

4 As used in this chapter, unless the context otherwise  
6 indicates, the following terms have the following meanings.

8 **1. ASPIRE Program.** "ASPIRE Program" means the Additional  
10 Support for People in Retraining and Education Program  
12 established pursuant to chapter 1054-A.

14 **2. ASPIRE-JOBS Program.** "ASPIRE-JOBS Program" means the Additional  
16 Support for People in Retraining and Education - Job  
18 Opportunities and Basic Skills Training Program established  
20 pursuant to chapter 1054-A and the federal Family Support Act of  
22 1988, Public Law 100-485, as amended.

24 **Sec. 15. 22 MRSA §3781**, as amended by PL 1991, c. 622, Pt. M.  
26 §19, is repealed.

28 **Sec. 16. 22 MRSA §3781-A** is enacted to read:

30 **§3781-A. Additional Support for People in Retraining and**  
32 **Education - Job Opportunities and Basic Skills Training**  
34 **Program established**

36 **1. ASPIRE-JOBS Program defined.** "ASPIRE-JOBS Program" means  
38 the Additional Support for People in Retraining and Education -  
40 Job Opportunities and Basic Skills Training Program established  
42 pursuant to this chapter and the federal Family Support Act of  
44 1988, Public Law 100-485, as amended.

46 **2. Administration.** The ASPIRE-JOBS Program is  
48 established. The department shall administer the program.

50 **3. Purpose.** The purpose of this program is to provide  
52 services and support to recipients of Aid to Families with  
54 Dependent Children and to reduce dependence on public assistance  
56 to the extent that adequate funding is available for that  
58 purpose. The principal goal is to assist the recipient in  
60 securing stable employment that pays wages sufficient to maintain  
62 adequate family income without public assistance and to increase  
64 the basic life skills and self-confidence of the recipient.

66 **4. Limitation or reduction of services when resources**  
68 **inadequate.** The department shall adopt rules in accordance with  
70 the Maine Administrative Procedure Act that include methods for  
72 limiting or reducing services when adequate resources are not  
74 available.



2           **Sec. 17. 22 MRSA §3782-A**, as enacted by PL 1991, c. 9, Pt. M,  
 §7, is repealed and the following enacted in its place:

4           **§3782-A. ASPIRE-JOBS Program**

6           1. Case management services. The department shall provide  
 case management services to individuals participating in the  
 8           ASPIRE-JOBS Program. The department shall adopt rules in  
 accordance with the Maine Administrative Procedure Act defining  
 10           or describing those services.

12           2. Purchase of services. The department may contract with  
 public and private agencies and individuals to deliver  
 14           employment, training and other services for program participants  
consistent with the purposes of the program.

16           Program funds may not be used to purchase services from an agency  
under this subsection that are available on a nonreimbursable  
 18           basis, if those nonreimbursable services meet the needs of a  
program participant.

22           3. Monitoring of contract agencies. If the department  
 contracts for the provision of program services under this  
 24           section, it shall monitor each contract agency at least annually  
to ensure compliance with sections 3786 and 3788 to ensure  
 26           compliance with the contracts entered into by the parties and to  
ensure that quality services are provided for program  
 28           participants. The department shall adopt rules in accordance  
 with the Maine Administrative Procedure Act by which satisfactory  
 30           performance is measured. The rules must identify the  
 32           circumstances under which sanctions, including contract  
suspension, reduction or termination, are applied.

34           4. Rural access. The department shall adopt rules in  
 accordance with the Maine Administrative Procedure Act to provide  
 36           access to Additional Support for People in Retraining and  
Education - Job Opportunities and Basic Skills Training Program  
 38           services for recipients of Aid to Families with Dependent  
Children living in rural areas. Services must be provided on an  
 40           equitable basis throughout the State. Access to these services  
 may be reasonably limited by the department due to factors such  
 42           as availability of staff and funding. The rules adopted by the  
 department must include, in addition to other methods necessary  
 44           to achieve this goal, adequate provisions for itinerant service  
stationing.

46           **Sec. 18. 22 MRSA §3785**, as amended by PL 1991, c. 591, Pt. F,  
 48           §12, is further amended to read:

50           **§3785. Sanctions**

2 A-recipient An individual may not be sanctioned under this  
4 program or Aid to Families with Dependent Children for failure to  
6 participate in the ~~Additional-Support-for-People-in-Retraining~~  
and-Education ASPIRE-JOBS Program if that failure to participate  
8 is based on good cause. Good cause for failure to participate in  
this program must be found when there is reasonable and  
verifiable evidence of:

10 1. **Illness or incapacitation.** The participant's  
12 individual's illness, incapacity or advanced age, or of the  
illness or incapacity of a household member, that requires the  
14 participant individual to provide care in the home;

16 2. **Sexual harassment.** Sexual harassment at an-ASPIRE a  
program-approved component;

18 3. **Court-required appearance; incarceration.**  
20 Court-required appearance or incarceration;

22 4. **Lack of supportive services.** Lack, or breakdown, of  
24 necessary supportive services such as child care or  
transportation with no appropriate alternatives available;

26 5. **Inclement weather.** Inclement weather which that  
28 prevents the work--registrant individual from traveling to an  
activity when the weather is severe enough to prevent other  
registrants individuals from traveling to the same activity;

30 6. **Assignment to another activity.** Assignment by the  
32 department to an activity or component ~~or--another--activity~~  
~~required-by-the-department-which~~ that has not been made part of  
34 the individual opportunity service contract;

36 7. **Remoteness.** Participation which that requires the  
38 registrant individual to travel outside the registrant's  
individual's immediate geographic area, defined as an area within  
a 2-hour round trip commute;

40 8. **Crisis or special circumstance.** Any-~~crises~~ A crisis or  
42 special ~~circumstances~~ circumstance that ~~arise---causing---~~  
registrant causes an individual to be absent from or discontinue  
44 any a department activity about which the department has been  
advised and has determined to constitute good cause;

46 10. **Caretakers of children under 6 years of age.**  
48 Assignment by the department to an activity that would require  
the registrant individual to work more than 20 hours per week, if  
50 the registrant individual is a parent or relative personally  
providing care for a child under 6 years of age;

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2 11. Net loss of cash income. Employment resulting in the  
4 family of the participant individual experiencing a net loss of  
cash income; or

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

10 Sec. 19. 22 MRSA §3786, as amended by PL 1991, c. 9, Pt. M,  
12 §8, is further amended to read:

14 **§3786. Rules**

16 The department shall promulgate adopt rules in accordance  
18 with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~  
for the implementation of this chapter.

20 Rules governing services provided under this chapter apply  
22 equally to all participating Aid to Families with Dependent  
Children recipients, whether those services are provided by the  
24 Department of Human Services, ~~the Department of Labor~~ or any  
other agency, organization or individual providing ASPIRE-JOBS  
26 Program services to ~~Additional-Support-for-People-in-Retraining~~  
~~and-Education-program~~ participants.

28 Sec. 20. 22 MRSA §3787, as enacted by PL 1987, c. 856, §7, is  
30 amended to read:

32 **§3787. Availability of funds**

34 Nothing in this chapter may be construed to mean that any a  
department, agency, institution or program ~~shall be~~ is required  
36 to obligate or expend funds beyond existing funds available to  
them for these purposes.

38 Sec. 21. 22 MRSA §3788, as amended by PL 1991, c. 591, Pt. F,  
40 §§13 and 14, is further amended to read:

42 **§3788. Program requirements**

44 1. Notice of program assistance. The department shall  
provide written notice to all applicants for and recipients of  
46 the Aid to Families with Dependent Children program of the range  
of education, employment and training opportunities, and the  
48 types of support services, including transitional support  
services and medical assistance, available under the ~~Additional~~  
~~Support-for-People-in-Retraining-and-Education-program~~  
50 ASPIRE-JOBS Program, together with a statement that all

2 participants may make--application apply for such those  
opportunities and services.

4 **2. Application; decision.** Notwithstanding any provision  
contained in an employability development plan, all participants  
6 must be given the opportunity to apply for any education,  
training and support services at the office of the program  
8 provider serving the area in which that individual lives. A  
participant--may--not--be--discouraged--from--applying--for--the--full  
10 range--of--ASPIRE-JOBS--program--services. The program provider  
shall issue a written decision promptly, in accordance with rules  
12 adopted by the department, on all applications and shall include  
the type and amount of assistance that has been authorized or  
14 denied. The participant must be given in writing the reasons and  
specific rules supporting that denial and an explanation of the  
16 individual's right to request a conciliation meeting, a fair  
hearing, or both. For the purposes of this subsection,  
18 "participant" means a recipient of Aid to Families with Dependent  
Children who has completed the ASPIRE-JOBS Program orientation  
20 and has been informed by the department that funds are available  
to provide ASPIRE-JOBS Program services to the recipient.

22 **3. Assessment.** Each participant's case manager shall  
24 conduct an individualized assessment,--including--a--personal  
meeting, to determine that individual's education and, training  
26 and employment needs and occupational goal in accordance with the  
federal Family Support Act of 1988, Public Law 100-485, as  
28 amended. Literacy testing and basic assessment tools may be part  
of--an--individual's--original--assessment,--if--the--case--manager  
30 determines--that--it--is--necessary--or--the--participant--requests--it.  
A participant shall be provided a more comprehensive assessment,  
32 including--such--instruments--as--a--self--assessment--survey,--or  
literacy or vocational testing,--only--when--a--determination--as--to  
34 training needs and occupational goal cannot--reasonably--be--made  
without further assessment.

36 **4. Employability plan.** An employability plan shall must be  
38 adopted in accordance with the Family Support Act of 1988, Public  
Law 100-485, as amended, for each individual who has completed an  
40 ASPIRE-JOBS Program orientation program participant which shall  
include that individual's education, training and employment plan  
42 and the support services necessary to participate in that plan.  
The participant's first employability plan shall be established  
44 promptly,--in--accordance--with--rules--adopted--by--the--department.  
The--rules--shall--provide--for--an--expedited--procedure--for--the  
46 development of an employability plan when necessary to meet the  
participation--or--enrollment--requirements--of--an--educational  
48 institution or training program.

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2 4-A. Individual opportunity service contract. To the  
 4 extent that sufficient funds, training sites and employment  
 6 opportunities are reasonably available, the department and a  
 8 participant in the program shall enter into an individual  
 10 opportunity service contract that reflects, to the maximum extent  
 12 possible, the preference of the participant and the services  
 14 offered by the program. The individual opportunity service  
 16 contract must include the individual's education, training and  
employment plan and the support services necessary to participate  
in that plan in accordance with the federal Family Support Act of  
1988, Public Law 100-485, as amended. The participant's first  
individual opportunity service contract must be established  
promptly in accordance with rules adopted by the department. The  
rules must provide for an expedited procedure for the development  
of the individual opportunity service contract when necessary to  
meet the participation or enrollment requirements of an  
educational institution or training program.

18

20 5. Provision of support services. Beginning January 1,  
 22 1990, payment for support services must be furnished promptly in  
 24 accordance with rules adopted by the department to, or on behalf  
 26 of, eligible individuals as agreed to in the employability plan.  
 The rules must provide for an expedited procedure for payment for  
 support services when those services are immediately necessary to  
 enable the participant to participate in an approved education,  
 training or employment plan.

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

34 ~~Additional-Support-for-People-in-Retraining-and-Education-program~~  
 36 ASPIRE-JOBS Program must make available a broad range of  
 38 education and, training and employment services in accordance  
 40 with section 3781 3781-A, subsection 2 3 and the federal Family  
 42 Support Act of 1988, Public Law 100-485, as amended. These  
 44 services and activities must include all of those services and  
 46 activities offered by the Additional Support for People in  
 48 Retraining and Education program Program on October 1, 1989.  
 50 ~~Nothing-in-this~~ This section prohibits does not prohibit the  
 department from purchasing equivalent services from providers  
 other than those from whom those services were purchased on  
 October 1, 1989. When a particular approved education or  
 training service is available at comparable quality and cost,  
 including the cost of support services, and the implementation of  
 the employability plan would not be unreasonably delayed, the  
 program participant may choose to enroll for that service with  
 the provider of that person's preference. If this decision is

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2 not mutually agreed to by the participant and the case manager;  
the decision must be reviewed by the case manager's supervisor.  
4 These services do not include reimbursement for the cost of  
tuition or mandatory fees for postsecondary education unless:

6 A. The participant is unable to secure other educational  
funding needed to complete the participant's individual  
8 opportunity service contract due to:

10 (1) Poor credit as determined by the educational  
funding source; or

12 (2) The consideration by the educational funding source  
14 of resources from past years that are not actually  
available to the participant;

16 B. In the determination of the department, failure to pay  
18 the tuition or fee would result in higher ASPIRE-JOBS  
Program costs to achieve the participant's approved goal; or

20 C. The participant meets an exception specified in rules  
22 adopted by the department.

24 When a substantially similar postsecondary education or training  
26 program of comparable quality is available at both a public and  
private institution, within a reasonable commuting distance for  
28 the participant, the department may choose to approve the program  
offered at the public institution if the participant's program  
can be completed at less cost at the institution.

30 A person may not be discouraged from participating in a 4-year  
32 postsecondary program if such a program is appropriate for the  
participant and consistent with the goals of the ASPIRE-JOBS  
34 program Program.

36 7. **Readability.** All notices, applications and decisions  
intended to be read by program ASPIRE-JOBS Program applicants or  
38 participants shall must be designed to be easily understood and  
shall must have a readability score, as determined by a  
40 recognized instrument for measuring adult literacy, equivalent to  
no higher than a 6th grade reading level.

42 8. **Annual report.** Beginning in 1991, the department shall  
44 submit a report annually on March 15th to the joint standing  
committee of the Legislature having jurisdiction over human  
46 resources matters. The report must include the number of  
~~Additional-Support-for-People-in-Retraining-and-Education-program~~  
48 ASPIRE-JOBS Program participants who are receiving pretraining  
and job search services and must specify the specific services  
50 provided and the agencies providing those services. A copy of

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2 the report must be submitted to the Office of the Executive  
Director of the Legislative Council.

4 9. Rules. The department may adopt rules in accordance  
6 with the Maine Administrative Procedure Act to implement this  
section.

8 ~~All rules required by this section, with the exception of~~  
10 ~~those required under subsection 5, shall be adopted by October~~  
~~15, 1989.~~

12 **Sec. 22. 22 MRSA §3789**, as enacted by PL 1989, c. 839, §12,  
14 is amended to read:

16 **§3789. Self-initiated training**

18 **1. Participation requirement satisfied.** If a federal Aid  
20 to Families with Dependent Children recipient is attending, in  
22 good standing, in an institution of higher education, or a school  
24 or course of vocational or technical training consistent with the  
26 individual's employment goals, and is making satisfactory  
progress in that institution, school or course at the time the  
recipient would otherwise commence participation in the program,  
such that attendance constitutes satisfactory participation in  
~~Additional Support for People in Retraining and Education~~ for the  
purposes of 42 United States Code, Section 602(a)(19).

28 **2. Education, training and employment services.** The  
30 department rules pertaining to education, training and support  
32 employment services for ~~Additional Support for People in~~  
~~Retraining and Education~~ ASPIRE-JOBS Program participants apply  
34 equally to persons who are in self-initiated training at the time  
36 ~~that person~~ those persons would otherwise commence participation  
in ~~Additional Support for People in Retraining and Education~~ the  
ASPIRE-JOBS Program.

38 **Sec. 23. 26 MRSA §2013, sub-§9-A**, as enacted by PL 1987, c.  
856, §8, is amended to read:

40 **9-A. Coordination with Additional Support for People in**  
42 **Retraining and Education - Job Opportunities and Basic Skills**  
44 **Training Program.** Coordination with the Additional Support for  
46 People in Retraining and Education - Job Opportunities and Basic  
Skills Training Program established in Title 22, chapter 1054-A-  
; and

48 **Sec. 24. 26 MRSA §2154, sub-§2**, as amended by PL 1991, c. 591,  
Pt. E, §26 and affected by §27, is further amended to read:

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2 2. Allied health care workers. An increased supply of  
3 allied health care workers through training of participants in  
4 the state job training system. For purposes of this chapter, the  
5 state job training system includes job training programs such as  
6 the Job Training Partnership Act; the Welfare, Employment,  
7 Education and Training Program; the Maine Training Initiative;  
8 the ASPIRE-JOBS program Program; and programs administered by  
participating hospitals.

10 Sec. 25. 26 MRSA §2171, sub-§3, as enacted by PL 1989, c. 408,  
11 §3, is amended to read:

12 3. Additional Support for People in Retraining and  
13 Education - Job Opportunities and Basic Skills Training Program.  
14 The Additional Support for People in Retraining and Education  
15 program - Job Opportunities and Basic Skills Training Program  
16 under Title 22, chapter 1054-A;

18 Sec. 26. Self-employment. The Department of Human Services  
19 shall study barriers to self-employment for Additional Support  
20 for People in Retraining and Education - Job Opportunities and  
21 Basic Skills Training Program participants and submit its  
22 findings to the Joint Standing Committee on Human Resources by  
23 February 1, 1994.

26 Sec. 27. Post-eligibility case management. In order to promote  
27 job retention for former Aid to Families with Dependent Children  
28 recipients, the Department of Human Services shall offer case  
29 management services to Additional Support for People in  
30 Retraining and Education - Job Opportunities and Basic Skills  
31 Training Program participants for up to 90 days after Aid to  
32 Families with Dependent Children benefits have been terminated if  
33 the benefits were terminated because of the participants'  
34 earnings.

36 Sec. 28. Information pilot program. In at least one region of  
37 the State, the Department of Human Services shall make available  
38 to persons completing the Additional Support for People in  
39 Retraining and Education - Job Opportunities and Basic Skills  
40 Training Program comprehensive information about the impact of  
41 earned income on public assistance benefits and the availability  
42 of transitional transportation, child care and medical benefits.  
43 This information must be provided in a face-to-face interview  
44 when possible. The department shall submit a report regarding  
45 the pilot program to the Joint Standing Committee on Human  
46 Resources by February 1, 1994.

48 Sec. 29. Maximization of federal funds. The Department of Human  
49 Services shall review all sources of currently unmatched state  
50 dollars benefitting the employment, education and training

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efforts of participants in the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program to determine if those funds could generate additional federal matching funds. The review must include, but is not limited to, state funds used for child care; job search or placement services provided by the Technical College System or the University of Maine System; adult education programs; services provided to teen parents in public schools; and job training programs within the Department of Labor.

The department shall further investigate the extent to which in-kind expenditures and funds used by private nonprofit organizations for the benefit of Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program participants may be used as state matching funds for available federal funds.

The department shall submit its findings and recommendations regarding this section to the Joint Standing Committee on Human Resources by February 1, 1994.

**Sec. 30. Family self-sufficiency.** To the extent permitted by federal law, the Department of Human Services shall certify local or other funds to qualify for federal financial participation to expand family self-sufficiency programs statewide. The department shall coordinate this expansion with local housing authorities.

**FISCAL NOTE**

The Department of Human Services will incur some minor additional costs to provide case management services to program participants; to provide post-eligibility case management services to program participants for up to 90 days after Aid to Families with Dependent Children benefits have been terminated; to establish a pilot program to provide comprehensive information to ASPIRE-JOBS participants about the impact of earned income on other benefits; to advise applicants and recipients of Aid to Families with Dependent Children about the federal earned income tax credit; to pursue the maximization of federal funds; to study barriers to self-employment; and to prepare the required reports.

The Department of Human Services will also experience savings as a result of the increase in the participant's contribution for child care expenses and changes regarding state funding for postsecondary education.

The Department of Administrative and Financial Services can absorb the costs to ensure that contracts with nonstate

contractors require those contractors to notify the ASPIRE program of employment openings. The department can also implement a hiring preference for ASPIRE-JOBS participants within the State's classified service utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment replaces the original bill. Major changes from the original bill are as follows.

1. A provision is added that requires those who enter into contracts with the State to list job openings with the ASPIRE Program.

2. A provision is added to ensure that ASPIRE-JOBS Program participants are considered for state job openings if they achieve qualifying scores.

3. Several changes are made to correct internal inconsistencies in the ASPIRE-JOBS Program statutes, to strike redundant or outdated language and to make state law consistent with federal law.

4. The original bill repealed a section requiring ASPIRE registrants to be served in the order that they are oriented to the program. That section of law is retained, but it is amended to allow the Department of Human Services to expend up to 20% of program funds to serve people out of order and to serve a person out of order if non-ASPIRE-JOBS Program benefits available to that person are equal to or greater than ASPIRE-JOBS Program benefits.

5. It changes the proposed participant contribution for transitional child care. For families up to 133% of the federal poverty level, a \$1 per child per week contribution is required. Families over 133% contribute 3% of their household income.

6. The original bill's "social contract" is renamed "mutual agreement" and that provision is amended to ensure that it is compatible with federal law.

7. The amendment strikes a provision that would have allowed the Department of Human Services to transfer Aid to Families with Dependent Children savings to the ASPIRE-JOBS Program.

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COMMITTEE AMENDMENT "A" to H.P. 1118, L.D. 1513

2 8. A provision is added requiring the department to inform  
Aid to Families with Dependent Children recipients about the  
federal Earned Income Tax Credit.

4  
6 9. The amendment requires that case management be provided  
to ASPIRE-JOBS Program participants.

8 10. The exemption in current law for people of advanced age  
is retained, consistent with federal law.

10  
12 11. The original bill prohibits ASPIRE-JOBS funding for  
tuition for postsecondary education. The amendment allows very  
limited exceptions to the prohibition that are estimated to  
14 result in 1% to 3% of ASPIRE-JOBS Program participants receiving  
postsecondary tuition assistance from the ASPIRE-JOBS Program.

16  
18 12. A section of law stricken by the bill that requires  
program material to be written at a 6th grade readability level  
is retained.

20  
22 13. The amendment requires the department to offer  
post-eligibility case management to people who have completed the  
ASPIRE-JOBS Program, establishes an information pilot project in  
24 one region to ensure that participants receive accurate  
information regarding how employment affects their benefits,  
26 requires the department to work with local housing authorities to  
expand family self-sufficiency projects and requires the  
28 department to examine ways to maximize federal funds in the  
ASPIRE-JOBS Program.

Reported by the Committee on Human Resources  
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