

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

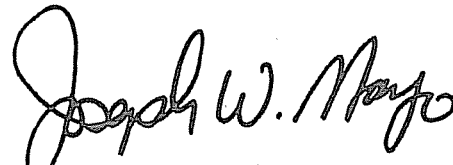
No. 1513

H.P. 1118

House of Representatives, May 14, 1993

An Act to Amend the ASPIRE Program.

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Human Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FOSS of Yarmouth.
Cosponsored by Senator HARRIMAN of Cumberland and
Representatives: AIKMAN of Poland, CARON of Biddeford, CARR of Sanford, KERR of Old
Orchard Beach, MICHAEL of Auburn, Senators: BALDACCI of Penobscot, KIEFFER of
Aroostook.

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

2
4 Sec. 1. 22 MRSA §3741-A, as amended by PL 1991, c. 591, Pt. F, §1, is repealed.

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 F, §2, is repealed.

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

12 **§3741-C. Education, training or employment participation requirements**

14
16 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.

20 ~~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;~~

28 ~~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:~~

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

38 ~~B. --- A parent who is under 25 years of age and has not completed high school or an equivalent course of education shall 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~~

44 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 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:

- 2 A. A person personally providing care for a child under 6
 4 years of age, is not required to partieipate accept
 6 employment for more than 20 hours a week;
- 8 B. The department must establish criteria under which
 10 custodial parents who have not attained 18 years of age are
 12 exempt from the school attendance requirement; and
- 14 C. If appropriate, custodial parents who are 17 or 18 years
 16 of age may be required to seek and accept employment; ~~and.~~
- 18 ~~D. A person eligible under this subsection may not be
 20 required to seek or accept employment in lieu of
 22 participating in a training or work activity.~~

16 **Sec. 4. 22 MRSA §3741-E**, as amended by PL 1991, c. 591, Pt.
 18 F, §4, is repealed and the following enacted in its place:

20 **§3741-E. Voluntary participants**

22 The department shall provide Additional Support for People
 24 in Retraining and Education - Job Opportunities and Basic Skills
 26 Training Program services to voluntary participants in accordance
 28 with the federal Family Support Act of 1988, Public Law 100-485,
 30 as amended.

32 **Sec. 5. 22 MRSA §3741-G, first ¶**, as enacted by PL 1989, c. 839
 34 §1 and affected by §15, is amended to read:

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

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

48 **§3741-H. Child care during participation in employment, education**
 50 **and training**

52 The department shall provide child care in accordance with
 the federal Family Support Act of 1988, Public Law 100-485, as
amended, when the child care is necessary to permit a federal Aid
 to Families with Dependent Children eligible family member to
 participate in an ~~an-ASPIRE-JOBS-component~~ the Additional Support
for People in Retraining and Education - Job Opportunities and
Basic Skills Training Program as defined in ~~the-Title-IV-A-JOBS~~
State-Plan section 3781-A.

The department shall provide an ~~an ASPIRE-JOBS-program~~
Additional Support for People in Retraining and Education - Job
Opportunities and Basic Skills Training Program participant's

2 actual cost for child care up to the maximum rate authorized by
3 federal law. In determining the maximum rate, the State shall
4 use a method that results in an amount that equals, or most
5 closely approaches, the actual market rate in different regions
6 of the State for various types of child care services received by
7 families in the State participating in the ASPIRE-JOBS-program
8 Additional Support for People in Retraining and Education - Job
Opportunities and Basic Skills Training Program.

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

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

18
19 C. Require contribution by the participant toward the cost
20 of that care. Families A family with household income that
21 equals or is less than ~~125%~~ 200% of the federal poverty
22 level are is responsible for contributing ~~\$1.00-per-child~~
23 per-week-toward towards that family's child care expense
24 expenses. ~~Families-with-household-income-in-excess-of-125%~~
25 ~~of---the---federal---poverty---level---are---responsible---for~~
26 ~~contributing-2%-of-the-household-income-toward-the-cost-of~~
27 ~~that-family's-child-care-expense.~~ The family's contribution
28 may be ~~waived, except for a nominal amount, when additional~~
29 ~~child-care-assistance-is-necessary-to-assist-the-family-in~~
30 ~~maintaining---employment---during---the---transitional---period~~
31 ~~authorized-by-this-section not exceed 3% of the family's~~
32 gross income.

34 **Sec. 8. 22 MRSA §3741-I, sub-§2,** as enacted by PL 1991, c.
35 591, Pt. F, §7, is repealed.

36
37 **Sec. 9. 22 MRSA §§3741-J and 3741-K** are enacted to read:

38 **§3341-J. Social contract**

39
40 Beginning on July 1, 1993, new recipients and, by July 1,
41 1997, all recipients of Aid to Families with Dependent Children
42 are required to sign a social contract with the department. For
43 the purposes of this section, "social contract" means a document
44 that acknowledges the recipient's understanding that Aid to
45 Families with Dependent Children is intended to be a temporary
46 financial assistance program while the recipient, to the best of
47 the recipient's ability and skills, is attempting to reduce this
48 financial assistance.

2 **§3741-K. Aid to Families with Dependent Children funds for**
3 **education, training and employment**

4 Notwithstanding any other provision of law, the department
5 is authorized to transfer to the account for the Additional
6 Support for People in Retraining and Education - Job
7 Opportunities and Basic Skills Training Program up to 12 months
8 of any Aid to Families with Dependent Children funds in the
9 General Fund that represent Aid to Families with Dependent
10 Children cost savings due to a participant of the Additional
11 Support for People in Retraining and Education - Job
12 Opportunities and Basic Skills Training Program obtaining
13 employment. These transferred funds may be carried forward in
14 the account for the Additional Support for People in Retraining
15 and Education - Job Opportunities and Basic Skills Training
16 Program for a period of up to 12 months.

18 Sec. 10. 22 MRSA §3781, as amended by PL 1991, c. 622, Pt. M.
19 §19, is repealed.

20 Sec. 11. 22 MRSA §3781-A is enacted to read:

22 **§3781-A. Additional Support for People in Retraining and**
23 **Education - Job Opportunities and Basic Skills Training**
24 **Program established**

25 **1. Administration.** The Additional Support for People in
26 Retraining and Education - Job Opportunities and Basic Skills
27 Training Program, referred to in this chapter as the "program,"
28 is established and the department shall administer the program.
29

30 **2. Purpose.** The purpose of this program is to assist
31 recipients of federal Aid to Families with Dependent Children to
32 obtain the education, training and employment needed to avoid
33 long-term welfare dependence.
34

35 **3. Individual opportunity service contract.** To the extent
36 that sufficient funds, training sites and employment
37 opportunities are reasonably available, the department and a
38 participant in the program shall enter into an individual
39 opportunity service contract that reflects, to the maximum extent
40 possible, the preference of the participant and the services
41 offered by the program.
42

43 **4. Limitation or reduction of services when resources**
44 **inadequate.** The department shall adopt rules in accordance with
45 the Maine Administrative Procedure Act that include methods for
46 limiting or reducing services when adequate resources are not
47 available.
48

50

2 Sec. 12. 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. Program**

6 1. Case management services. The department may provide
case management services to individuals actively involved in the
8 program. The department shall adopt rules in accordance with the
Maine Administrative Procedure Act defining or describing those
10 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
18 under this subsection that are available on a nonreimbursable
basis, if those nonreimbursable services meet the needs of a
20 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
circumstances under which sanctions, including contract
32 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. 13. 22 MRSA §3785, as amended by PL 1991, c. 591, Pt. F,
48 §12, is further amended to read:

50 **§3785. Sanctions**

52 ~~A-recipient~~ An individual may not be sanctioned under this
program or Aid to Families with Dependent Children for failure to

participate in the ~~Additional-Support-for-People-in-Retraining and-Education-Program~~ program if that failure to participate 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:

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

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

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

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

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

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

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

8. **Crises or special circumstances.** Any crises or special circumstances that arise causing a ~~registrant~~ an individual to be absent from or discontinue any department activity about which the department has been advised and has determined to constitute good cause;

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

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

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

6 Sec. 14. 22 MRSA §3786, as amended by PL 1991, c. 9, Pt. M, §8, is further amended to read:

8 **§3786. Rules**

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

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

26 Sec. 15. 22 MRSA §3787, as enacted by PL 1987, c. 856, §7, is amended to read:

28 **§3787. Availability of funds**

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

36 Sec. 16. 22 MRSA §3788, as amended by PL 1991, c. 591, Pt. F, §§13 and 14, is further amended to read:

38 **§3788. Program requirements**

40 1. **Notice of program assistance.** The department shall provide written notice to all applicants for and recipients of the Aid to Families with Dependent Children program of the range of education, employment and training opportunities, and the types of support services, including transitional support services and medical assistance, available under the Additional Support for People in Retraining and Education program, ~~together with a statement that all participants may make application for such opportunities and services~~ - Job Opportunities and Basic Skills Training Program.

52 2. ~~Application; decision. Notwithstanding any provision contained in an employability development plan, all participants~~

2 must be given the opportunity to apply for any education,
training and support services at the office of the program
4 provider serving the area in which that individual lives. A
participant may not be discouraged from applying for the full
6 range of ASPIRE JOBS program services. The program provider
shall issue a written decision promptly, in accordance with rules
8 adopted by the department, on all applications and shall include
the type and amount of assistance that has been authorized or
10 denied. The participant must be given in writing the reasons and
specific rules supporting that denial and an explanation of the
12 individual's right to request a conciliation meeting, a fair
hearing, or both.

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

28 **4. Employability plan.** An employability plan shall must be
adopted for each program participant which shall include that
30 includes that individual's education, training and employment
plan and the support services necessary to participate in that
32 plan in accordance with the federal Family Support Act of 1988,
Public Law 100-485, as amended. The participant's first
34 employability plan shall be established promptly, in accordance
with rules adopted by the department. The rules shall provide
36 for an expedited procedure for the development of an
employability plan when necessary to meet the participation or
38 enrollment requirements of an educational institution or training
program.

40 **5. Provision of support services.** Beginning January 1,
42 1990, payment for support services must be furnished promptly in
accordance with rules adopted by the department to, or on behalf
44 of, eligible individuals as agreed to in the employability plan.
The rules must provide for an expedited procedure for payment for
46 support services when those services are immediately necessary to
enable the participant to participate in an approved education,
48 training or employment plan.

50 The support services required to participate in the employability
plan must be specified in an individual opportunity service
52 contract and each participant must receive the support services

prescribed in that contract, which may include respite care.

2
4 **6. Education, training and employment services.** The
6 Additional Support for People in Retraining and Education program
8 - Job Opportunities and Basic Skills Training Program must make
10 available a broad range of education and, training and employment
12 services in accordance with section 3781 3781-A, subsection 2 and
14 the federal Family Support Act of 1988, Public Law 100-485, as
16 amended. These services and activities must include all of these
18 services and activities offered by the Additional Support for
20 People in Retraining and Education program on October 1, 1989.
22 Nothing in this section prohibits the department from purchasing
24 equivalent services from providers other than those from whom
26 these services were purchased on October 1, 1989. When a
28 particular approved education or training service is available at
30 comparable quality and cost, including the cost of support
32 services, and the implementation of the employability plan would
34 not be unreasonably delayed, the program participant may choose
36 to enroll for that service with the provider of that person's
38 preference. If this decision is not mutually agreed to by the
40 participant and the case manager, the decision must be reviewed
42 by the case manager's supervisor. These services do not include
44 reimbursement for the cost of tuition, mandatory fees and books
46 for postsecondary education. The department shall adopt rules in
48 accordance with the Maine Administrative Procedure Act indicating
50 the range of educational and training services that may be made
52 available under this section.

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

36 A person may not be discouraged from participating in a 4-year
38 postsecondary program if such a program is appropriate for the
40 participant and consistent with the goals of the ASPIRE JOBS
42 program.

40
42 **7. Readability.** All notices, applications and decisions
44 intended to be read by program applicants or participants shall
46 be designed to be easily understood and shall have a readability
48 score, as determined by a recognized instrument for measuring
50 adult literacy, equivalent to no higher than a 6th grade reading
52 level

48 **8. Annual report.** Beginning in 1991, the department shall
50 submit a report annually on March 15th to the joint standing
52 committee of the Legislature having jurisdiction over human
54 resources. The report must include the number of Additional
Support for People in Retraining and Education program - Job
Opportunities and Basic Skills Training Program participants who
are receiving pretraining and job search services and must

2 specify the specific services provided and the agencies providing
those services. A copy of the report must be submitted to the
Office of the Executive Director of the Legislative Council.

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

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

12 Sec. 17. 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
to Families with Dependent Children recipient is attending, in
20 good standing, in an institution of higher education, or a school
or course of vocational or technical training consistent with the
22 individual's employment goals, and is making satisfactory
progress in that institution, school or course at the time the
24 recipient would otherwise commence participation in the program,
such attendance constitutes satisfactory participation in
26 Additional Support for People in Retraining and Education.~~

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

38 Sec. 18. 22 MRSA §3789-A, as enacted by PL 1989, c. 839, §13,
is repealed.

40 Sec. 19. 26 MRSA §2013, sub-§9-A, as enacted by PL 1987, c.
42 856, §8, is amended to read:

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

50 Sec. 20. 26 MRSA §2171, sub-§3, as enacted by PL 1989, c. 408,
§3, is amended to read:

2 3. Additional Support for People in Retraining and
Education - Job Opportunities and Basic Skills Training Program.
4 The Additional Support for People in Retraining and Education
program - Job Opportunities and Basic Skills Training Program
under Title 22, chapter 1054-A;

6
8 STATEMENT OF FACT

10 The welfare system in this State is not serving low-income
12 families successfully. Recipients of Aid to Families with
Dependent Children describe themselves as being embarrassed or
14 ashamed to receive benefits. Other taxpayers express concern
about the length of time families receive Aid to Families with
16 Dependent Children. Although previous legislation does make some
changes in the delivery of Aid to Families with Dependent
18 Children services, the State is not doing enough to encourage Aid
to Families with Dependent Children recipients to develop the
20 skills necessary to become self-sufficient and to provide them
with opportunities to obtain employment.

22 Of the 23,000 families receiving AFDC benefits in March
1993, only 3,700 families were participating in ASPIRE. Although
24 the number of participants in the State exceeds the national
average of one in 10 recipient families, some 19,300 families
26 were being denied the opportunity to improve job skills and
become ready to accept employment.

28 The average cost in the State to place a welfare recipient
30 in employment is \$5,500. Current funding on either the federal
or state level will not allow the Department of Human Services to
32 assist all recipients at the same level of expense as is
currently experienced. The State must develop alternative means,
34 beyond spending its tax dollars, to improve the self-esteem,
dignity and independence of AFDC families. The State must do
36 more to encourage participation by business, industry, service
organizations and other groups in devising opportunities for
38 recipients. The department must expand methods to obtain child
support from the parent who is not in the home. A family
40 receiving AFDC benefits must recognize that the welfare payment
is temporary assistance available only until other resources are
42 put in place to assist the family in its quest to become
self-sufficient.

44 It is time to realign the expectations of the State's
46 citizens. All taxpayers, whether receiving AFDC or not deserve
to expect that AFDC recipients are doing all that they are able
48 to do to provide for their families beyond the AFDC program. All
families receiving AFDC have the right to expect that they will
50 be able to access every opportunity possible to improve their
chance of independence.
52

2 The purpose of this bill is to amend the Maine Revised
4 Statutes, Title 22, chapters 1053 and 1054-A to further
6 accomplish the objectives set forth in the federal Family Support
Act of 1988. It is the goal of this Legislature to reform the
State's welfare system along the following principles. The
State's welfare system should:

- 8 1. Emphasize mutual responsibility between the recipient
and the State;
- 10 2. Promote self-esteem, dignity, self-improvement, work and
12 independence;
- 14 3. Stress that children require the support of both parents;
- 16 4. Encourage responsible family planning;
- 18 5. Treat all participants equally; and
- 20 6. Recognize that everyone can contribute to achievement of
the above goals.

22 This bill will accomplish these goals by:

- 24 1. Establishing priority ASPIRE services to volunteers in
26 the JOBS target population and mandatory JOBS participants;
- 28 2. Redefining transitional support services to provide for
a realistic sliding fee scale;
- 30 3. Focusing ASPIRE-JOBS services on basic services, such as
32 child care and transportation, by eliminating the requirement
34 that the program provide the same level of services as that
available on October 1, 1989;
- 36 4. Changing the entitlement concept of ASPIRE to a
38 needs-based program by eliminating the requirement for a written
application and the decision process for support services; and
- 40 5. Reinvesting any AFDC general funds that represent AFDC
42 cost savings due to an ASPIRE-JOBS participant obtaining
employment into the ASPIRE-JOBS program to assist more recipients
in obtaining skills and employment.