

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 43

H.P. 49

House of Representatives, January 12, 1995

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### An Act to Limit Aid to Families with Dependent Children Benefits.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CARLETON of Wells.

Cosponsored by Representatives: BARTH of Bethel, BUCK of Yarmouth, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DEXTER of Kingfield, JOY of Crystal, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, OTT of York, PLOWMAN of Hampden, REED of Dexter, RICE of South Bristol, TRUE of Fryeburg, WATERHOUSE of Bridgton, YACKOBITZ of Hermon, Senators: BEGLEY of Lincoln, KIEFFER of Aroostook, PENDEXTER of Cumberland.

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

2           **Sec. 1. 22 MRSA §3741**, as amended by PL 1983, c. 849, §1, is  
4 further amended to read:

6           **§3741. Aid to dependent children**

8           The department may administer and operate a program of aid  
10 to dependent children within the United States Social Security  
12 Act and any amendments and additions thereto. The department  
14 shall also implement and operate a program of aid to the  
dependent children of intact families with unemployed parents in  
accordance with the 42 United States Code, Title-42, Section 607,  
as amended.

16           The department shall seek a waiver from the United States  
18 Department of Health and Human Services to establish special  
20 eligibility requirements for assistance under this chapter as  
22 follows. Except as otherwise provided in this section, in  
24 determining the level of benefits for which a family is eligible,  
26 the department may not increase the payment level due to an  
28 increase in family size beyond that which corresponds to the  
family's size at the time of application or determination of  
eligibility, whichever is later. If a child is born to the  
family while a family member is a recipient of aid to families  
with dependent children benefits, the payment level may not  
increase to that ordinarily paid to the larger family. This  
limitation does not apply in the following circumstances.

30           1. Other children. A child who meets the eligibility  
32 requirements and is not the biological child of a family member  
receiving aid to families with dependent children benefits  
establishes residence with a family receiving benefits.

34           2. Pregnant women. The mother of a newborn child was  
36 pregnant with the child at the time of application or  
determination of eligibility.

38           3. Good cause. The department develops criteria under  
40 which a child not originally included in the aid to families with  
42 dependent children benefits at the time of application or  
eligibility determination may be included at a later date.

44           When a family reapplies for aid to families with dependent  
46 children benefits and no member of that family determined  
48 eligible for benefits has received aid to families with dependent  
children benefits for a minimum of 12 consecutive months  
immediately preceding the date of application, a child previously  
50 excluded from the eligible unit in accordance with this section  
must be included in the eligible unit for cash assistance  
purposes.

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## STATEMENT OF FACT

6           The purpose of this bill is to change the State's welfare  
7 laws to encourage responsible family planning and to discourage  
8 recipients of aid to families with dependent children from having  
9 additional children while receiving benefits. The bill directs  
10 the Department of Human Services to pursue a federal waiver to  
11 provide no additional benefit to most recipients who have  
12 additional children while receiving benefits. An additional  
13 child would, however, be eligible for Medicaid benefits. The  
14 bill provides 3 categories of exceptions to mitigate what might  
15 be harsh results for a child who is not the biological offspring  
16 of a recipient of aid to families with dependent children who  
17 comes to reside with the recipient family; a mother of a newborn  
18 child who is pregnant with that child at the time she applies for  
19 benefits; and a person who meets "good cause" criteria developed  
20 by the department.