

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)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 228

H.P. 180

House of Representatives, January 24, 1995

An Act to Restrict the Duration and Amount of Welfare Benefits.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOY of Crystal.
Cosponsored by Representatives: BIRNEY of Paris, CLUKEY of Houlton, CROSS of
Dover-Foxcroft, KNEELAND of Easton, LANE of Enfield.

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

2

PART A

4

Sec. A-1. 22 MRSA §3741, as amended by PL 1983, c. 849, §1, is repealed and the following enacted in its place:

6

8

§3741. Aid to dependent children

10

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

12

14

16

18

2. Time Limitation Program authorization; waiver; duration of eligibility. By October 1, 1995, the department shall apply for a waiver from the United States Department of Health and Human Services to establish a time limitation program. By July 1, 1996, the department shall establish and implement the Time Limitation Program, within which a family may receive cash assistance benefits under the aid to families with dependent children program for no more than 24 continuous months or no more than 24 months in any 36-month period and Medicaid benefits for no more than 36 months following the expiration of eligibility for cash assistance benefits. Under the Time Limitation Program, a family that has received benefits for the maximum time period is ineligible for similar benefits for 5 years from the date of the last benefit period for that type of benefit.

20

22

24

26

28

30

32

PART B

34

Sec. B-1. 22 MRSA §3741-C, as amended by PL 1993, c. 385, §5, is further amended to read:

36

38

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

40

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, as amended.

42

44

46

48

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

50

2 Children, if that person is the parent or other relative of a
3 child under 3-years one year of age who is personally providing
4 care for that child.

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

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

14 B. A parent who is under 25 24 years of age and who has not
15 completed high school or an equivalent course of education
16 must be given the choice of participating in educational
17 activities--directed--at--the--attainment--of--a--high--school
18 diploma,---or---its---equivalent, the Learnfare Program
19 established by section 3741-M in lieu of other required
20 activities.

22 ~~3. Custodial parents under 20 years of age. A custodial
23 parent who has not attained 20 years of age and who has not
24 completed a high school education, or its equivalent, is required
25 by the department to participate in an educational activity,
26 except that:~~

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

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

36 ~~C. A custodial parent who is 18 or 19 years of age may be
37 required to seek and accept employment if:~~

38 ~~(1) That parent fails to make good progress in
39 successfully completing educational activities; or~~

42 ~~(2) Prior to that parent being assigned to educational
43 activities, the department determines that
44 participation in educational activities is
45 inappropriate for that parent, based on an educational
46 assessment and the employment goal established in the
47 individual's employability plan.~~

48 **4. Rules.** The department shall adopt rules for the
50 implementation of this section.

2 5. Duration of services and benefits. Services and
4 benefits under this section are provided for no more than 24
 months within any 36-month period.

6 6. Sanctions. The department shall suspend the benefits of
8 recipients of aid to families with dependent children who do not
 meet eligibility requirements under this section and the rules
 adopted in subsection 4.

10 Sec. B-2. 22 MRSA §3741-M is enacted to read:

12 **§3741-M. Learnfare Program**

14 1. Definitions. As used in this section, unless the
16 context otherwise indicates, the following terms have the
 following meanings.

18 A. "AFDC" means Aid to Families with Dependent Children.

20 B. "Participant" means a recipient of AFDC benefits who
22 participates in the Learnfare Program.

24 C. "Program" means the Learnfare Program established under
26 this section.

28 2. Waiver; authorization; establishment. By October 1,
 1995, the department shall apply for a waiver from the United
30 States Department of Health and Human Services to establish
 special eligibility requirements for AFDC cash assistance
32 benefits under the Learnfare Program. The department shall
 establish the Learnfare Program to provide incentives for
34 recipients of AFDC cash assistance benefits to attend school
 regularly in order to obtain the education necessary to alleviate
36 poverty and prepare for better jobs in the future.

38 3. Rulemaking. The department shall adopt rules for
 implementation of this section, including, but not limited to,
40 rules for exemptions from the requirements of the program,
 establishing eligibility for AFDC cash assistance under the
42 program and suspension of cash assistance benefits for failure to
 comply with the requirements of the program.

44 4. Participation. All children 5 years of age and older
 who have not completed high school or its equivalent and all
46 heads of household who are under the age of 24 and who have not
 completed high school or its equivalent must participate in the
48 program unless exempt under this section or granted an exemption
 under rules adopted by the department. Any head of household who
50 is under the age of 24 and who has not completed high school or

2 its equivalent but who is employed full time is exempt from
3 participation.

4 5. Requirements of the program. In order to receive AFDC
5 cash assistance benefits all households must establish
6 eligibility under the program by demonstrating that all
7 participants attend school regularly.

8
9 6. Services. The department shall provide case management
10 services that include counseling, referral, advocacy and
11 assessment services and progress and compliance monitoring to all
12 participating households.

13 7. Sanctions. The department shall suspend AFDC cash
14 assistance benefits for participating households that fail to
15 establish eligibility under this section or who fail to comply
16 with rules adopted under subsection 3. The suspension of
17 benefits must reflect history of compliance of the participants
18 in the household.

19
20 8. Duration of services. Services under this section are
21 provided for no more than 24 months within any 36-month period.

22
23 9. Implementation date. The department shall implement
24 this program 90 days from the date on which the United States
25 Department of Health and Human Services grants a waiver for the
26 Learnfare Program.

30 PART C

31 **Sec. C-1. 22 MRSA §3741-N is enacted to read:**

32 **§3741-N. Family Responsibility Program**

33 1. Definitions. As used in this section, unless the
34 context otherwise indicates, the following terms have the
35 following meanings.

36 A. "AFDC" means Aid to Families with Dependent Children.

37 B. "Participant" means a recipient of AFDC benefits who
38 participates in the Family Responsibility Program.

39 C. "Program" means the Family Responsibility Program
40 established under this section.

41
42 2. Waiver; authorization; establishment. By October 1,
43 1995, the department shall seek a waiver from the United States
44 Department of Health and Human Services to establish special
45 provisions for the Family Responsibility Program.

2 eligibility requirements for participation in the Family
3 Responsibility Program. The department shall establish the
4 Family Responsibility Program to provide incentives for
5 recipients of AFDC to limit the size of their families in order
6 to alleviate poverty and better prepare for the future.

7 3. Rulemaking. The department shall adopt rules for the
8 implementation of this section.

9 4. Participation. All recipients of AFDC benefits must
10 participate in the program.

11 5. Program restriction. The department may not increase
12 the cash assistance benefit because of the increase in family
13 size when a recipient of AFDC benefits bears a child who is
14 conceived after the date on which eligibility was determined.

15 6. Benefit levels. Except as otherwise provided in this
16 section, in determining the level of benefits for which a family
17 is eligible, the department may not increase the payment level of
18 benefits because of an increase in family size after the date of
19 the determination of eligibility.

20 7. Reapplication. When a family reapplies for AFDC
21 benefits and no member of the family has received AFDC benefits
22 during the 12 months immediately before the date of application,
23 a child previously not included in the family in accordance with
24 this section must be included for cash assistance purposes.

25 8. Implementation date. The department shall implement
26 this program 90 days from the date on which the United States
27 Department of Health and Human Services grants a waiver for the
28 Family Responsibility Program.

34 **STATEMENT OF FACT**

35
36
37
38 In section A-1, this bill requires the Department of Human
39 Services to apply to the United States Department of Health and
40 Human Services for a waiver and to establish the Time Limitation
41 Program, under which the maximum time period for receiving cash
42 assistance benefits under the aid to families with dependent
43 children program is 24 months. Families may receive Medicaid
44 benefits for no more than 36 months following the expiration of
45 eligibility for cash assistance benefits. After receipt of
46 benefits for the maximum time period, a family is ineligible for
47 similar benefits for a period of 5 years.

48
49 In section B-1, this bill alters the education, training and
50 employment participation requirements for the aid to families

2 with dependent children program. It lowers from 3 years to one
participation. It lowers from 25 to 24 the age for parents who
4 may choose between employment, training and a new Learnfare
Program. It repeals choice of education, training or employment
6 options applicable only to parents ages 18, 19 and 20. It limits
provision of services under the program to 24 months in any
8 36-month period. Compliance with the Learnfare Program is
required to qualify for benefits.

10
12 In section B-2, this bill requires the Department of Human
Services to apply to the United States Department of Health and
Human Services for a waiver and to establish the Learnfare
14 Program. All children 5 years of age and older who have not
completed high school or its equivalent and all heads of
16 household under 24 years of age who have not completed high
school or its equivalent must attend school regularly to be
18 eligible to receive cash assistance benefits under the aid to
families with dependent children program. Heads of household
20 under age 24 who have full-time jobs are exempt from
participation. The department must provide case management
22 services. Services under the Learnfare Program may not be
provided for more than 24 months in any 36-month period.

24
26 In section C-1, the bill directs the Department of Human
Services to apply to the United States Department of Health and
Human Services for a federal waiver for the Family Responsibility
28 Program and to implement the program to provide no additional
cash assistance benefits to recipients who conceive or have
30 additional children while receiving benefits. An additional
child would, however, be eligible for Medicaid benefits. The
32 bill does not cap the cash assistance benefit for a child
conceived prior to the date on which eligibility was determined.