

MAINE STATE LEGISLATURE

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L.D. 1496

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DATE: June 23, 1995 (Filing No. S- 322)

HUMAN RESOURCES

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 548, L.D. 1496, Bill, "An Act to Improve the AFDC Program"

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

PART A

Sec. A-1. 22 MRSA §1, 3rd ¶, as repealed and replaced by PL 1989, c. 878, Pt. A, §51, is amended to read:

The commissioner may employ any bureau and division heads, deputies, assistants and employees who may be necessary to carry out the work of the department. All personnel of the department shall--be are under the immediate supervision, direction and control of the commissioner. These personnel shall--be are employed subject to the Civil Service Law, except the Deputy Commissioner; Director, Bureau of Child and Family Services; Director, Bureau of Elder and Adult Services; Director, Bureau of Health; ~~Director, Bureau of Rehabilitation;~~ Director, Bureau of ~~Income Maintenance~~ Family Independence; Director, State Health Planning and Development Agency; Director, Bureau of Medical Services; and Assistant Deputy Commissioners.

Sec. A-2. 22 MRSA §9-A, sub-§1, ¶B, as enacted by PL 1989, c. 566, is repealed.

Sec. A-3. 22 MRSA §9-A, sub-§2, as enacted by PL 1989, c. 566, is repealed.

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2 **Sec. A-4. 22 MRSA §3104, sub-§12** is enacted to read:

4 12. Penalty. The unauthorized issuance, redemption, use,
6 transfer, acquisition, alteration or possession of coupons or
8 other program access device may subject an individual,
10 partnership, corporation or other legal entity to prosecution by
12 the State in accordance with Sections 15 (b) and 15 (c) of the
14 federal Food Stamp Act of 1977. Penalties are in accordance
16 with those outlined in federal law or regulations.

18 **Sec. A-5. 22 MRSA §3741**, as amended by PL 1983, c. 849, §1,
20 is repealed and the following enacted in its place:

22 §3741. Aid to dependent children; promotion of economic
24 self-support

26 The department shall promote economic self-support among
28 families in accordance with the provisions of this chapter.

30 1. Administering program. The department may administer
32 and operate a program of aid to dependent children within the
34 United States Social Security Act and any amendments and
36 additions to the Act. The department shall also implement and
38 operate a program of aid to the dependent children of intact
40 families with unemployed parents in accordance with 42 United
42 States Code, Section 607, as amended.

44 2. Promoting support by both parents. The department shall
46 enforce laws and establish policies to ensure that both parents
48 contribute to the economic support of their child or children and
to promote every child's right to economic support from both
parents.

3. Move to sustainable employment. The department shall
assist parents who receive benefits under the Aid to Families
with Dependent Children program to move as quickly as possible
into employment that will sustain the family.

4. Training; partnerships. The department shall increase
the employability of parents who receive benefits under the Aid
to Families with Dependent Children program through on-the-job
training and strengthening the public and private workforce
partnership by developing training sites and jobs for those
parents.

5. Teenage pregnancies; minimization. The department shall
provide education and services to minimize teenage pregnancies
with special attention paid to the role of the male.

2 6. Safety net of services. The department shall ensure
that the State's safety net of services offers a hand-up rather
4 than a handout.

6 7. Definitions. As used in this chapter, unless the
context otherwise indicates, the following terms having the
8 following meanings.

10 A. "AFDC" means the program of Aid to Families with
Dependent Children, under the United States Social Security
12 Act, 42 United States Code, Section 601, and any benefits
payable under that program.

14 B. "Family Support Act" means the federal Family Support
Act of 1988, Public Law 100-485.

16 Sec. A-6. 22 MRSA §3741-A, as amended by PL 1993, c. 385, §3,
18 is repealed.

20 Sec. A-7. 22 MRSA §3741-C, as amended by PL 1993, c. 385,
§5, is repealed and the following enacted in its place:

22 **§3741-C. Program requirements**

24 Beginning October 1, 1995, all recipients of AFDC must sign
26 a family contract as outlined in section 3741-J and meet the
following program requirements.

28 1. Participation. A recipient of AFDC must participate in
30 an education, training or employment program as described in the
Family Support Act unless exempt under paragraphs A and B.

32 A. The recipient is exempt if that recipient is the parent
34 or another relative of a child under 2 years of age and is
36 personally providing care for that child; is unable to work
38 due to a physically or mentally handicapping condition as
determined by the department; is needed in the home to care
for an impaired household member; or is 60 years of age or
older.

40 B. The recipient is exempt if that recipient has a child
42 who has needs that are professionally documented related to
44 physical disabilities, mental illness, mental retardation,
developmental delays or disabilities, or emotional or
behavioral problems.

46 2. Custodial parents not yet 20 years of age. A custodial
48 parent under 20 years of age who is a recipient of AFDC and has
not completed high school or its equivalent must participate in
50 the ASPIRE-JOBS Program regardless of the age of the youngest

child and attend courses to complete high school, with an emphasis on education in a traditional high school setting.

3. Voucher payments only. A custodial parent who is under 18 years of age and who is a recipient of AFDC must receive those benefits in the form of vouchers.

Sec. A-8. 22 MRSA §3741-D, as enacted by PL 1989, c. 839, §1, is repealed.

Sec. A-9. 22 MRSA §3741-E, sub-§5, as amended by PL 1993, c. 709, §2, is further amended to read:

5. Exception. Notwithstanding subsection 4, the department may use up to 20% 30% of ASPIRE-JOBS Program funds to serve persons regardless of their date of participation in the ASPIRE-JOBS Program orientation work evaluation. The department may also use ASPIRE-JOBS Program funds to serve persons regardless of their date of participation in the ASPIRE-JOBS Program orientation work evaluation when other organizations or agencies provide benefits to those participants that are equal-to or-greater-than-the-value-of-services-that-the-persons-are-eligible-to-receive-under-the-rules-of-the-ASPIRE-JOBS-Program of substantial worth.

Sec. A-10. 22 MRSA §3741-G, as amended by PL 1993, c. 385, §9, is repealed and the following enacted in its place:

§3741-G. Transitional medical assistance

The department shall administer a program to provide transitional eligibility for medical assistance in accordance with the Family Support Act and this section.

1. Earnings; hours worked; loss of disregards. In order to receive transitional Medicaid as the result of increased earnings, number of hours worked or the loss of disregards, a family must have received AFDC for at least 3 of the last 6 months.

2. Work search. The department shall apply for a waiver from the federal Department of Health and Human Services to provide transitional Medicaid benefits for families whose eligibility for AFDC has terminated due to employment obtained through work search activities pursuant to this chapter, in which case the family must have received AFDC for at least one of the last 3 months.

3. Periodic reporting. The department shall require reporting of income or circumstances in the 5th and 11th months of receipt of extended medical assistance.

4. Premiums; copayments; deductibles. To continue to receive extended medical assistance following the first 6 months of coverage, a family must pay premiums for the 7th to 9th months at \$10 per month and for the 10th to 12th months at \$20 per month.

5. Scope of services. The scope of services provided under this section must be the same as the scope of services provided when a family received AFDC.

Sec. A-11. 22 MRSA §3741-I, sub-§1, as amended by PL 1993, c. 385, §11, is repealed and the following enacted in its place:

1. Transitional child care assistance. The department shall administer a program to provide transitional child care assistance in accordance with the Family Support Act and this subsection.

A. In order to receive transitional child care assistance as the result of increased earnings, number of hours worked or the loss of disregards, the family must have received AFDC for at least 3 of the last 6 months.

B. The department shall apply for a waiver from the federal Department of Health and Human Services to provide transitional child care assistance for families whose eligibility for AFDC has terminated due to work search activities pursuant to this chapter, in which case the family must have received AFDC for at least one of the last 3 months.

C. The department shall require periodic reporting of income or circumstances in the 5th and 11th months of receipt of transitional child care.

D. To continue to receive transitional child care, a family must pay premiums for the first 3 months at \$10 per month, for the second 3 months at \$20 per month, for the third 3 months at \$30 per month and for the fourth 3 months at \$40 per month.

E. Transitional child care assistance must provide the actual cost of child care, less participant contribution, up to the maximum allowable rate established in section 3741-H.

Sec. A-12. 22 MRSA §3741-J, as enacted by PL 1993, c. 385, §13, is repealed and the following enacted in its place:

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2 **§3741-J. Family contract**

4 During the ASPIRE-JOBS Program referral process, a
6 representative of the department and each AFDC caretaker relative
8 shall sign a form referred to as a family contract. The family
10 contract must state the responsibilities of the parties to the
12 agreement, including but not limited to cooperation in child
14 support enforcement and determination of paternity, the
16 requirements of ASPIRE-JOBS Program participation and referral to
18 parenting activities and health care services. Refusal to sign
the family contract or to abide by the provisions of the
contract, except for referral to parenting activities and health
care services, will result in sanctions against the caretaker
relative. Failure to comply with referrals to parenting
activities or health care services without good cause will result
in review and evaluation of the reason for noncompliance and may
result in sanctions.

20 **Sec. A-13. 22 MRSA §3741-K**, as enacted by PL 1993, c. 709,
22 §3, is repealed and the following enacted in its place:

24 **§3741-K. ASPIRE-Plus**

26 The department shall apply to the federal Department of
28 Health and Human Services and the federal Department of
30 Agriculture for waivers to establish a work supplementation
32 program called ASPIRE-Plus to encourage employers to develop jobs
for ASPIRE-JOBS Program participants and to fund the program
through diversion of funds that would otherwise have been used to
provide AFDC and Food Stamp benefits for the family or household.

34 **1. Reimbursement.** ASPIRE-Plus provides reimbursement of up
36 to 1/2 of the minimum wage for employers in department Regions
II, IV and V that hire ASPIRE-JOBS Program participants.

38 **2. Funding.** ASPIRE-Plus is funded with the funds that
40 would have been used to provide AFDC and Food Stamp benefits for
which the household was eligible, without considering the income
from the ASPIRE-Plus wage.

42 **3. Program design.** The duration of ASPIRE-Plus is 5 years.
44 Participation must be determined on an individual basis and is
dependent on the availability of funds. The number of
46 participants is limited to 1,500 over the length of the project.

48 **4. Employer participation.** The department shall adopt
rules concerning public and private sector employer participation
in ASPIRE-Plus in accordance with this subsection.

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2 A. An employer may employ at any one time up to one project
3 participant or 10% of the total number of the employer's
4 employees, whichever is greater, unless this limit is waived
5 by the Director of the Bureau of Family Independence.

6 B. Employers may be excluded from participation in
7 ASPIRE-Plus for failure to abide by project requirements,
8 demonstrated unwillingness to comply with the stated intent
9 of the department, a pattern of terminating participants
10 prior to the completion of training, a pattern of not
11 continuing employment when the subsidy ends or other good
12 cause determined by the department.

13 C. Employers shall meet the following requirements to
14 qualify for participation. The job may not require work in
15 excess of 40 hours per week. The hiring of the participant
16 may not displace regular employees or fill vacant positions
17 previously established. The job must pay at least minimum
18 wage and not pay substantially less than the wage paid for
19 similar jobs in the local economy, with appropriate
20 adjustment for experience and training. The job must
21 provide the participant with sick leave, holiday and
22 vacation absences in conformance with the employer's rules
23 for new employees and must provide the participant with
24 group health insurance benefits. The employer shall provide
25 a mentor for the participant.

26 5. Wage supplement. An ASPIRE-Plus participant whose
27 participation in ASPIRE-Plus results in the loss of net income
28 must receive a wage supplement to provide the same level of net
29 income as the participant had prior to participation in
30 ASPIRE-Plus. Participants are entitled to retain all child
31 support obligation payments collected by the department on
32 current obligations for children within the family or household.

33 6. Eligibility for medical assistance; child care. An
34 ASPIRE-Plus participant who is eligible for Medicaid when the
35 participant enters the project remains eligible while
36 participating in ASPIRE-Plus. Work-related child care services
37 must be provided for all participants in accordance with the
38 Family Support Act.

39 7. Employer agreements. An employer must sign an agreement
40 for each participant hired by the employer under ASPIRE-Plus.
41 The agreement must specify the job for which the participant is
42 hired and the employer's responsibility to repay reimbursements
43 if the employer violates project rules. The employer must agree
44 to abide by all requirements of the project, including the
45 requirement that the participant's job not supplant an existing
46 job.

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2 **Sec. A-14. 22 MRSA §3741-L**, as enacted by PL 1993, c. 709,
§3, is amended to read:

4 **§3741-L. Family planning services**

6 To the extent funds permit, the department, in cooperation
with the grant manager of the State's family planning system,
8 shall develop and the grant manager of the statewide association
of family planning service providers shall implement an intensive
10 outreach-program Peer Education Project to provide increase the
use of family planning services to recipients of Aid to Families
with Dependent Children. The target population must include, but
is not limited to, recipients at risk of repeat pregnancy,
14 recipients who are minors and individuals at risk of becoming Aid
to Families with Dependent Children recipients. The-department
16 shall-work-with-the-grant-manager-to-identify-funds-that-may-be
matched-with-federal-funds-to-support-the-outreach-program.

18 The Peer Education Project shall provide direct, in-person
family planning information, education and counseling to members
of target populations and recruits, trains and, if funding is
22 available, provides permanent employment for AFDC recipients as
peer education workers.

24 **Sec. A-15. 22 MRSA §3758, sub-§1**, as amended by PL 1993, c.
26 349, §51, is repealed.

28 **Sec. A-16. 22 MRSA §3758, sub-§§2, 3 and 4**, as enacted by PL
1975, c. 441, §1, are repealed.

30 **Sec. A-17. 22 MRSA §3758-A** is enacted to read:

32 **§3758-A. Transfer of funds**

34 Notwithstanding any provision of law, except Title 5,
36 section 1585, the department is authorized to transfer to the
ASPIRE account as often as twice per fiscal year funds
38 representing cost savings within the AFDC program resulting from
ASPIRE-JOBS Program participants' obtaining employment during
40 that fiscal year. The department shall determine the amount of
savings in the aggregate by utilizing the number of ASPIRE-JOBS
42 Program participants entering employment in each quarter of the
fiscal year. Funds appropriated to either account do not lapse
44 at the end of the fiscal year.

46 The department shall provide to the joint standing committee
of the Legislature having jurisdiction over appropriations and
48 financial affairs and the joint standing committee of the
Legislature having jurisdiction over human resource matters a

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2 report twice per year on the amount of funds transferred and the
3 number of ASPIRE-JOBS Program participants entering employment.

4 **Sec. A-18. 22 MRSA §3759**, as reallocated by PL 1983, c. 816,
5 Pt. A, §17, is repealed.

6 **Sec. A-19. 22 MRSA §3760-H**, as enacted by PL 1993, c. 385,
7 §14, is amended to read:

10 **§3760-H. Definitions**

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

14 **1. ASPIRE Program.** "ASPIRE Program" means the Additional
15 Support for People in Retraining and Education Employment Program
16 established pursuant to chapter 1054-A.

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

22 **Sec. A-20. 22 MRSA §3760-I** is enacted to read:

23 **§3760-I. Alternative aid**

24 **1. Alternative aid.** To assist applicants who seek
25 short-term assistance to obtain or retain employment, the
26 department shall pay one-time voucher payments of up to 3 times
27 the monthly AFDC grant for which the family is eligible. If the
28 family reapplies for AFDC within 3 months of receiving
29 alternative aid, the family must repay any alternative aid
30 received in excess of the amount that the family would have
31 received on AFDC. The method of repayment must be the same as
32 that used for the repayment of unintentional overpayments in the
33 AFDC Program.

34 **Sec. A-21. 22 MRSA §3772**, as amended by PL 1993, c. 360, Pt.
35 C, §3, is repealed.

36 **Sec. A-22. 22 MRSA §3775**, as amended by PL 1989, c. 878, Pt.
37 A, §61, is repealed.

38 **Sec. A-23. 22 MRSA §3776**, as amended by PL 1989, c. 700, Pt.
39 A, §§86 to 88, is repealed.

40 **Sec. A-24. 22 MRSA §3778**, as amended by PL 1983, c. 730, §8,
41 is repealed.

2 **8. Crisis or special circumstance.** A crisis or special
 4 circumstance that causes an individual to be absent from or
 discontinued a department activity about which the department has
 been advised and has determined to constitute good cause; or

6 **Sec. A-28. 22 MRSA §3785, sub-§§10 and 11,** as amended by PL
 8 1993, c. 385, §18, are repealed.

10 **Sec. A-29. 22 MRSA §3788, sub-§§2 to 4,** as amended by PL 1993,
 12 c. 385, §21, are further amended to read:

14 **2. Application; decision.** Notwithstanding any provision
 16 contained in an employability development plan, all participants
 must be given the opportunity to apply for any education,
 18 training and support services at the office of the program
 provider serving the area in which that individual lives. The
 20 program provider shall issue a written decision promptly, in
 accordance with rules adopted by the department, on all
 22 applications ~~and shall include the type and amount of assistance~~
~~that has been authorized or denied.~~ The participant must be
 24 given in writing the reasons and specific rules supporting that
 denial and an explanation of the individual's right to request a
 conciliation meeting, a fair hearing, or both. For the purposes
 of this subsection, "participant" means a recipient of Aid to
 26 Families with Dependent Children who has completed the
 ASPIRE-JOBS Program orientation work evaluation and has been
 28 informed by the department that funds are available to provide
 ASPIRE-JOBS Program services to the recipient.

30 **3. Assessment.** Each participant's case manager shall
 32 conduct an individualized assessment to determine that
 individual's education, training and employment needs in
 34 accordance with the ~~federal~~ Family Support Act ~~of 1988, Public~~
 Law-100-485, ~~as amended.~~

36 **4. Employability plan.** An employability plan 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 during the work evaluation. The
employability plan must consider available program resources, the
 42 participant's skills and aptitudes, the applicant's need for
supportive services, local employment opportunities and, to the
 44 maximum extent possible, the preferences of the participant.

46 **Sec. A-30. 22 MRSA §3788, sub-§4-A,** as enacted by PL 1993, c.
 48 385, §21, is amended to read:

50 **4-A. Individual opportunity service contract.** To the
 extent that sufficient funds, training sites and employment

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opportunities are reasonably available, the department and a participant in the program shall enter into an individual opportunity service contract that reflects, to the maximum extent possible, the preference of the participant and the services offered by the program. The individual opportunity service contract must include ~~the individual's education, training and employment plan~~ both the department's and the participant's activities and the support services necessary for the individual 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.

Sec. A-31. 22 MRSA §3788, sub-§6, as amended by PL 1993, c. 385, §21, is further amended to read:

6. Education, training and employment services. The ASPIRE-JOBS Program must make available a broad range of education, training and employment services in accordance with section 3781-A, subsection 3 and the ~~federal~~ Family Support Act ~~of 1988, Public Law 100-485, as amended.~~ These services and activities must include all of those services and activities offered by the Additional Support for People in Retraining and ~~Education~~ Employment Program on October 1, 1989. This section 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 not mutually agreed to by the participant and the case manager, the decision must be reviewed by the case manager's supervisor. These services do not include reimbursement for the cost of tuition or mandatory fees for postsecondary education unless:

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

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

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

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

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

When a substantially similar postsecondary education or training program of comparable quality is available at both a public and private institution, within a reasonable commuting distance for 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.

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

Sec. A-32. 22 MRSA §3788, sub-§§7 and 8, as amended by PL 1993, c. 385, §21, are repealed.

Sec. A-33. 22 MRSA §3788, sub-§§10 to 13 are enacted to read:

10. Program design. The department shall operate the ASPIRE-JOBS program under which individual participation is required for a minimum of 20 hours per week in time-limited components that include job search, work evaluation, education, training and treatment and workforce-MaineServe.

A. Individuals who are ready for jobs may participate in job search at any time. Up-front job search must focus on new recipients who are ready for jobs who are eligible for AFDC based on unemployment of the primary wage earner and new single-parent recipients who are ready for jobs and whose children are 5 years of age or older.

B. Work evaluation consists of all activities related to assessment, employability plan development and initial individual opportunity service contract formulation. Work evaluation is limited to a maximum of 90 days, unless extended by the commissioner or the designee of the commissioner. If an ASPIRE-JOBS participant is determined by the department to be job ready, the participant may

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2 access the workforce-MaineServe component directly from work
3 evaluation.

4 C. Education, training and treatment is limited to a
5 maximum of 24 months, starting with the first day of
6 participation in any allowable and approved job skills or
7 occupational skills training activity. The 24-month period
8 may be extended by the commissioner or the designee of the
9 commissioner for good cause shown.

10 The department may approve a job skills or occupational
11 training activity longer than 24 months provided the
12 participant agrees to perform a minimum of 20 hours a week
13 of work site experience by no later than the end of the
14 24-month period. Qualifying work site experience may
15 include, but is not limited to, paid employment,
16 workforce-MaineServe, ASPIRE-Plus, work study,
17 training-related practicums or any other such work site
18 approved by the department. The 24-month period does not
19 include periods of nonactivity in which good cause has been
20 determined.

21 For individuals who are satisfactorily participating in an
22 education or training program prior to the work evaluation,
23 the department must determine the acceptability of the
24 activity for purposes of meeting the participation
25 requirements of this chapter using the same criteria as is
26 used for any individual in the ASPIRE-JOBS Program.

27 D. Workforce-MaineServe consists of paid employment,
28 subsidized employment, apprenticeships or other mandatory
29 work activities, which may continue until the participant is
30 ineligible for AFDC benefits.

31 11. Individual participation requirements. Participation
32 in the program components is governed by subsection 10 and this
33 subsection.

34 A. For recipients whose eligibility for AFDC is based on
35 unemployment of the primary wage earner, participation in
36 the workforce-MaineServe component is required and any
37 participation in the education, training and treatment
38 component is contingent on satisfactory participation in
39 workforce-MaineServe.

40 B. ASPIRE-JOBS participants who are attending school or are
41 involved in an equivalent educational program recognized by
42 the Department of Education or a local school board are
43 considered to be in the education, training or treatment
44 component and their participation is not limited to 24
45 months.

2 months. The department shall encourage recipients younger
 4 than 20 years of age who have not completed high school to
 6 attend traditional high school.

8 C. Subject to the requirements of the Americans with
 10 Disabilities Act, if a recipient of AFDC is hindered from
 12 obtaining employment or successfully completing any portion
 14 of the ASPIRE-JOBS Program by reason of drug or alcohol
 16 abuse, the recipient must enter into a drug or alcohol abuse
 18 treatment program. This treatment activity may occur at any
 20 time during the ASPIRE-JOBS Program.

22 12. Developing resources. To assist the department in its
 24 efforts to encourage job placement opportunities and provide the
 26 services necessary to ensure self-support to recipients of AFDC,
 28 the department may contract with public and private agencies to
 30 establish job placement opportunities. In addition all agencies
 32 are subject to the following requirements.

34 A. All agencies that receive funds from any state
 36 department or division must provide at least one
 38 workforce-MaineServe opportunity for an ASPIRE-JOBS
 40 participant.

42 B. All state agencies that provide funding for child care
 44 or transportation services must require that recipients of
 46 AFDC be given priority for those services.

48 C. All agencies that receive funds from any state agency
 50 for the treatment of drug or alcohol abuse must require that
 recipients of AFDC be given priority for those services.

13. Determination of types of opportunities. The
 department shall request that the federal Department of Health
 and Human Services delegate to the department the responsibility
 for determining the types of opportunities necessary to provide
 recipients of AFDC with the skills to enable those recipients to
 become self-supporting and that these activities be included in
 determining the level of participation necessary to obtain
 maximum federal funding for the ASPIRE-JOBS Program.

Sec. A-34. 22 MRSA §3788-A is enacted to read:

§3788-A. MaineServe

The department shall establish a MaineServe program designed
 to provide parents who are eligible for AFDC opportunities to
 serve their communities and the State.

1. Purposes. The purposes of the MaineServe program are as
 follows:

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- 2 A. To meet the human, educational, environmental and public
3 safety needs of this State without displacing existing
4 workers;
- 6 B. To renew the ethic of civic responsibility and the
7 spirit of community throughout the State;
- 8 C. To encourage parents who are eligible for AFDC to engage
9 in voluntary service to the State;
- 10 D. To expand and strengthen existing nonprofit and public
11 sector initiatives that are addressing the needs of their
12 communities and of the State; and
- 14 E. To provide parents who are eligible for AFDC the
15 opportunities to serve their communities and the State in a
16 manner that assists them in developing and renewing their
17 skills in ways that may lead to employment that is
18 sufficient to sustain their families.

20 2. Eligibility. Any ASPIRE-JOBS participant over 16 years
21 of age is eligible to volunteer for MaineServe, except that any
22 person under 20 years of age who has not completed high school or
23 its equivalent must also participate in an educational activity
24 designed to complete high school education.

26 3. Duration of service. MaineServe volunteers may serve
27 for up to 9 months. At the end of the service period, the
28 MaineServe volunteer and the ASPIRE-JOBS case manager shall
29 evaluate the MaineServe placement. If it is determined to be
30 appropriate, the MaineServe volunteer may renew the placement
31 within MaineServe.

34 4. Conditions of service. The MaineServe program is an
35 alternative work experience program subject to the standards set
36 out in the Social Security Act, 42 United States Code, Section
37 682(f).

38 Sec. A-35. 22 MRSA §3789, as amended by PL 1993, c. 385, §22,
39 is repealed.

42 Sec. A-36. 22 MRSA §§3789-B and 3789-C are enacted to read:

44 **§3789-B. Interdepartmental Welfare Reform Committee**

46 The Interdepartmental Welfare Reform Committee, referred to
47 in this section as the "committee," is established. The
48 committee consists of the Commissioner of Education, the
49 Commissioner of Labor, the President of the Maine Technical
50 College System, the Commissioner of Mental Health and Mental

COMMITTEE AMENDMENT

2 Retardation, the Director of the Office of Substance Abuse, the
 4 Commissioner of Corrections or a designee from the Maine Youth
 6 Center and the Commissioner of Human Services, who serves as
 8 chair. The committee shall monitor the efforts of the state
 10 departments involved in welfare reform and ensure cooperation
 12 among those departments.

8 **§3789-C. Committee of staff and recipients**

10 The department shall establish a committee composed of
 12 program staff, program managers and recipients of AFDC to
 14 streamline application and case maintenance functions, develop a
 16 universal application and review other forms to be used for all
 18 programs and bring as much uniformity as possible to the programs
 20 administered by the Bureau of Family Independence. The committee
 22 shall advise the commissioner of any changes in policies that
 24 require federal waivers, legislation or congressional action.

26 **Sec. A-37. Waiver of asset limit.** The Department of Human
 28 Services shall apply to the federal Department of Health and
 30 Human Services for a waiver on a statewide basis of the federal
 32 vehicle asset limit in the Aid to Families with Dependent
 34 Children Program to exclude for the purposes of determining
 eligibility the family's primary vehicle used for transportation.

36 **Sec. A-38. Day Care Task Force.** The Department of Human
 38 Services shall establish a Day Care Task Force to examine options
 40 for increasing day care access for families leaving the Aid to
 42 Families with Dependent Children program. The review of options
 44 must include, but is not limited to, the use of day care
 46 cooperatives, increased family day care and the use of community
 facilities such as schools and churches. The Day Care Task Force
 shall submit its report to the Commissioner of Human Services no
 later than November 1, 1995.

36 **Sec. A-39. Maine Revised Statutes amended; revision clause.**
 38 Wherever in the Maine Revised Statutes the words Bureau of Income
 40 Maintenance appear or reference is made to those words, they are
 42 amended to read and mean Bureau of Family Independence, and the
 44 Revisor of Statutes shall implement this revision when updating,
 46 publishing or republishing the statutes.

44 **Sec. A-40. Transition to Bureau of Family Independence.** The
 46 Bureau of Family Independence is the successor in every way to
 the powers, duties and functions of the former Bureau of Income
 Maintenance.

48 1. All existing rules, regulations and procedures in
 50 effect, in operation or adopted by the Bureau of Income
 Maintenance or any of its administrative units or officers

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COMMITTEE AMENDMENT "A" to S.P. 548, L.D. 1496

2 continue in effect until rescinded, revised or amended by the
proper authority.

4 2. All existing contracts, agreements and compacts
6 currently in effect in the Bureau of Income Maintenance continue
in effect.

8 3. Any positions authorized and allocated subject to the
10 personnel laws to the former Bureau of Income Maintenance are
transferred to the Bureau of Family Independence and continue to
12 be authorized.

14 4. All records, property and equipment currently belonging
to or allocated for the use of the former Bureau of Income
16 Maintenance are transferred to the Bureau of Family Independence.

18 5. All existing forms, licenses, letterheads and similar
20 items bearing the name of or referring to the Bureau of Income
Maintenance may be utilized by the Bureau of Family Independence
until existing supplies of those items are exhausted.

22 **Sec. A-41. Maine Revised Statutes amended; revision clause.**

24 Wherever in the Maine Revised Statutes the word ASPIRE appear or
reference is made to those words, they are amended to read and
26 mean Additional Support for People in Retraining and Employment,
and the Revisor of Statutes shall implement this revision when
28 updating, publishing or republishing the statutes.

30 **Sec. A-42. Amendment of requested waiver of Project Opportunity.**

32 The Department of Human Services shall amend its request to the
Federal Government for a waiver under the United States Social
34 Security Act, Section 1115 to replace the demonstration project,
known as Project Opportunity, with the ASPIRE-Plus Project.

36 **Sec. A-43. Development of opportunities.** The Department of

38 Labor, the Department of Education and the Department of Mental
Health and Mental Retardation shall work cooperatively with the
Department of Human Services to develop opportunities to service
40 recipients of Aid to Families with Dependent Children benefits.
The Department of Human Services and the Department of Education
42 shall work cooperatively to encourage individuals 19 years of age
and younger who have not completed high school to remain in a
44 traditional high school environment.

46 **Sec. A-44. Curriculum.** The Department of Human Services

48 shall work cooperatively with the Department of Education to
develop a curriculum and materials to be used in schools
throughout the State to discourage teenagers from becoming
parents at a young age and to provide education on parenting

2 skills and techniques for those teenagers who do become parents,
including information about parental responsibilities and child
4 support obligations.

6 PART B

8 Sec. B-1. Commission to Study Poverty Among Working Parents

10
12 **1. Commission established.** There is established the
Commission to Study Poverty Among Working Parents, referred to in
14 this Part as the "commission." The purpose of the commission is
to investigate the extent to which poverty exists among working
16 families, investigate how poverty among working or underemployed
parents with children contributes to the need for greater public
assistance expenditure, investigate economic development efforts
18 and other public and private sector initiatives that could reduce
poverty and make comprehensive recommendations that address the
20 commission's findings to the 118th Legislature.

22 **2. Commission members.** The commission consists of 21
members, all of whom must have knowledge of and experience with
24 the economic challenges facing low-income working people. An
equal number of members must be appointed by the Governor, the
26 President of the Senate and the Speaker of the House of
Representatives. They are appointed as follows:

28 A. The following members must be appointed by the Governor:

30 (1) A Maine employer;

32 (2) A representative of the Department of Human
34 Services;

36 (3) A representative from an organization whose
purpose it is to advance the position of women;

38 (4) A representative from an organization that
40 advocates for low-income people; and

42 (5) A representative from an agency providing
community economic development services;

44 B. The following members must be appointed by the President
46 of the Senate:

48 (1) A member of the religious community;

50 (2) A representative from a community action agency;

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- 2 (3) A professional child care provider;
 - 4 (4) A representative of the Aid to Families with
Dependent Children Advisory Committee; and
 - 6 (5) A representative from a community agency providing
8 education or training services to low-income people;
- 10 C. The following members must be appointed by the Speaker
of the House of Representatives:

- 12 (1) A representative of organized labor;
- 14 (2) A recipient of Aid to Families with Dependent
16 Children benefits who is a current or former
participant in an education or training program;
- 18 (3) A working single parent who has minor children and
20 who earns less than 150% of the federal poverty level;
- 22 (4) A representative of a postsecondary institution
providing education and training services to low-income
24 people; and
- 26 (5) A representative of a community agency providing
nontraditional education or training services to
28 low-income people;

30 D. The President of the Senate shall appoint 2 Senators,
one from each major political party, and the Speaker of the
32 House of Representatives shall appoint 2 Representatives,
one from each major political party; and

34 E. The cochairs of the Maine Economic Growth Council or
their designees shall serve as members.

36 **3. Responsibilities of the commission.** The commission
38 shall:

- 40 A. Determine the extent to which current labor market
42 participation enables individuals and families to earn the
amount of income necessary to meet the basic needs of their
44 families;
- 46 B. Examine current labor laws and practices, to determine
their impact, both positive and negative, on the ability of
48 families to meet their needs;
- 50 C. Consider and determine the respective responsibilities
of the public and private sectors in ensuring that working
families have income adequate to meet their basic needs;

- 2 D. Evaluate the effectiveness of the Unemployment Insurance
 Program in meeting the needs of low wage part-time and
 4 seasonal workers when they become unemployed;
- 6 E. Examine the efficacy of a state earned income tax credit
 that would enable working families to meet the requirements
 8 of the basic needs budget;
- 10 F. Examine the wages, benefits and protection available to
 part-time and temporary workers, leased employees,
 12 independent contractors and other contingent workers as
 compared to regular full-time workers;
- 14 G. Solicit, receive and accept grants or other funds from
 any person or entity and enter into agreements with respect
 16 to these grants or other funds regarding the undertaking of
 studies or plans necessary to carry out the purposes of the
 18 commission; and
- 20 H. Request any necessary data from either public or private
 22 entities that relate to the needs of the commission.
- 24 **4. Appointments; initial meeting; chair.** Appointing
 authorities shall make all appointments to the commission by
 26 October 1, 1995 and report those appointments to the Chair of the
 Legislative Council, who shall call the first meeting. The
 28 commission shall elect a chair from among its members.
- 30 **5. Staff Assistance.** The commission may request staffing
 assistance from the Legislative Council.
- 32 **6. Funding.** The commission may seek outside sources of
 34 funding.
- 36 **7. Reimbursement; mileage and other costs associated with
 participation on the commission.** The members of the commission
 38 are not entitled to compensation or reimbursement for expenses or
 legislative per diem except that, to the extent that funds are
 40 available, legislative members may request reimbursement for
 mileage from the Executive Director of the Legislative Council.
- 42 **8. Report.** The commission shall prepare and submit a
 44 report, including any legislation necessary to implement its
 recommendations, to the First Regular Session of the 118th
 46 Legislature by November 15th, 1996.

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PART C

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Sec. C-1. 24 MRSA §2349-A is enacted to read:

§2349-A. Medical child support

A corporation organized pursuant to this chapter must comply with 42 United States Code, Section 1396g-1.

Sec. C-2. 24-A MRSA §2742, sub-§5 is enacted to read:

5. Compliance. An insurer issuing policies under this chapter must comply with 42 United States Code, Section 1396g-1.

Sec. C-3. 24-A MRSA §2809, sub-§1-A, as enacted by PL 1985, c. 652, §51, is amended to read:

1-A. Any such policy of group health insurance which that provides coverage for family members or dependents of individuals in the insured group may not define the terms "family" or "dependent" to exclude from coverage those minor children of any covered individual who do not reside with that individual. Insurers must comply with 42 Unites States Code, Section 1396g-1.

Sec. C-4. 24-A MRSA §4237 is enacted to read:

§4237. Medical child support

A health maintenance organization must comply with 42 United States Code, Section 1396g-1.

Sec. C-5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1995-96

LEGISLATURE

Commission to Study Poverty Among Working Parents

All Other \$500

Provides expenditure authorization if public or private funds are received to support activities of the Commission to Study Poverty Among Working Parents.'

Further amend the bill by inserting at the end before the statement of fact the following:

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FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS

Other Funds \$500

REVENUES

Other Funds \$500

The net General Fund impact of this bill can not be determined and is, to a large extent contingent upon federal approval. The Department of Human Services will experience additional savings and costs if the required waivers are approved.

The additional costs include lowering the age threshold to 2 years of age, implementing the Peer Education Project with the family planning service providers and implementing the Commission to Study Poverty Among Working Parents, the Interdepartmental Welfare Reform Committee and the Day Care Task Force. Savings will be generated from reduced caseloads due to recipients no longer receiving benefits due to employment. The exact amounts will depend on the actual waivers, if any, that are granted.

Permitting Financial Order transfers from the Aid to Families to Dependent Children program to the Welfare Employment, Education and Training program may result in the need for future General Fund appropriations since any unexpended amount is currently authorized to be carried forward to support program costs. Permitting Welfare Employment, Education and Training funds to carry forward may reduce the amount that would otherwise lapse to the General Fund.

The Department of Education and the Department of Human Services will incur some minor additional costs to participate in the development of certain school curricula. These costs can be absorbed within the departments' existing budgeted resources.

The cash out of the food stamps portion of funding for ASPIRE-Plus will result in insignificant increases of General Fund revenue if federal approval is granted to convert tax exempt food stamps to cash payments.

The bill provides an allocation of Other Special Revenue funds of \$500 in fiscal year 1995-96 to the Legislature to provide expenditure authority if public or private funds are

COMMITTEE AMENDMENT "A" to S.P. 548, L.D. 1496

2 received to support activities of the Commission to Study Poverty
Among Working Parents.

4 The additional costs to provide staffing assistance to the
6 commission can be absorbed by the Legislature utilizing existing
budgeted resources.

8 The Department of Human Services will realize some minor
10 savings from the elimination of certain reporting requirements.

12 The Governor's proposed current services budget includes
14 changes that may affect this bill's impact on the Aid to Families
with Dependent Children program. This estimate of the fiscal
16 impact may need to be adjusted based on final legislative actions
on the current services budget.'

18 **STATEMENT OF FACT**

This is the majority amendment. It amends the bill as
20 follows:

22 1. It adds Department of Human Services Region IV to the
24 ASPIRE-Plus project and increases the participation limit to
1,500 persons.

26 2. It adds the MaineServe public service volunteer program
to the workforce phase of the ASPIRE-JOBS Program.

28 3. It requires state agencies and agencies receiving funds
30 from state agencies to participate in the development of
employment resources.

32 4. It adds a Commission to Study Poverty Among Working
34 Parents, a 21-member commission charged with investigating
poverty, public assistance and economic development. The
36 commission is required to report to the 118th Legislature by
November 15, 1996.

38 5. It adds 4 provisions of law regarding health insurance
40 that are required by federal law and that assist children in
obtaining health insurance coverage through their parents'
42 policies.

44 6. It requires the Department of Human Services to apply
46 for a federal waiver to exclude from consideration as an asset a
family's primary vehicle used for transportation.

48 7. It adds an allocation section and a fiscal note.