

# MAINE STATE LEGISLATURE

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RWS

L.D. 1496

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DATE: June 23, 1995 (Filing No. S- 323 )

**HUMAN RESOURCES**

Reported by: The Minority of the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

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

COMMITTEE AMENDMENT " B " 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 A-1. 22 MRSA §1, 3rd ¶**, as repealed and replaced by PL 1989, c. 878, Pt.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 A-2. 22 MRSA §9-A, sub-§1, ¶B**, as enacted by PL 1989, c. 566, is repealed.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 A-3. 22 MRSA §9-A, sub-§2**, as enacted by PL 1989, c. 566, is repealed.

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

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

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 A-5. 22 MRSA §3741, as amended by PL 1983, c. 849, §1, is repealed and the following enacted in its place:

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

The department shall promote economic self-support among families by:

1. Promoting support by both parents. Enforcing laws and establishing policies to ensure that both parents contribute to the economic support of their child or children and to promote every child's right to economic support from both parents;

2. Move to sustainable employment. Assisting parents who receive benefits under the Aid to Families with Dependent Children program to move as quickly as possible into employment that sustains the family;

3. Training; partnerships. Increasing 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 work force partnership through development of training sites and jobs for those parents;

4. Teenage pregnancies; minimization. Providing education and services to minimize teenage pregnancies; and

5. Safety net of services. Ensuring that the State's safety net of services offers a "hand-up" rather than a "handout."

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

Sec. A-7. 22 MRSA §3741-C, sub-§§1 and 2, as amended by PL 1993, c. 385, §5, are repealed.

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

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2           Sec. A-9. 22 MRSA §3741-E, as amended by PL 1993, c. 709, §2,  
is repealed.

4           Sec. A-10. 22 MRSA §3741-G, as amended by PL 1993, c. 385,  
§9, is repealed.

6           Sec. A-11. 22 MRSA §3741-I, sub-§1, as amended by PL 1995, c.  
8 170, §2, is repealed.

10          Sec. A-12. 22 MRSA §3741-I, sub-§3 is enacted to read:

12           3. Transitional child care assistance. The department  
14 shall administer a program to provide transitional child care  
assistance in accordance with the federal Family Support Act of  
16 1988, Public Law 100-485, with the following exceptions.

18           A. To receive transitional child care in accordance with  
the federal Family Support Act of 1988, Public Law 100-485,  
the family must have received Aid to Families with Dependent  
20 Children benefits for at least 3 of the last 6 months. The  
department shall apply for a waiver from the federal  
22 Department of Health and Human Services to provide  
transitional child care for families whose eligibility for  
24 Aid to Families with Dependent Children benefits has  
terminated due to work search activities, as outlined in  
26 section 3760-I, subsection 7. If termination is due to such  
work search activities, the family must have received Aid to  
28 Families with Dependent Children benefits for at least one  
of the last 3 months in order to receive transitional child  
30 care.

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

36           C. To continue to receive transitional child care, a family  
must pay the following premiums:

- 38                   (1) For the first 3 months, \$10 per month;  
40                   (2) For the 2nd 3 months, \$20 per month;  
42                   (3) For the 3rd 3 months, \$30 per month; and  
44                   (4) For the 4th 3 months, \$40 per month.

46          Sec. A-13. 22 MRSA §3741-J, as enacted by PL 1993, c. 385,  
48 §13, is repealed and the following enacted in its place:

50          §3741-J. Family contract

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2           During the ASPIRE-JOBS referral process, a representative of  
4 the department and each Aid to Families with Dependent Children  
6 caretaker relative shall sign a form referred to as a family  
8 contract. The family contract must outline parental  
10 responsibilities, including, but not limited to, cooperation in  
12 determining paternity and referral to parenting activities and  
14 health care services and, if appropriate, the requirements of  
16 ASPIRE-JOBS participation. Refusal to sign the family contract  
18 or to abide by the provisions of the contract results in  
20 sanctions against the caretaker relative.

22           **Sec. A-14. 22 MRSA §3741-K**, as enacted by PL 1993, c. 709,  
24 §3, is repealed.

26           **Sec. A-15. 22 MRSA §§3741-M, 3741-N, 3741-O and 3741-P** are  
28 enacted to read:

30           **§3741-M. ASPIRE-Plus**

32           **1. Definitions.** As used in this section, unless the  
34 context otherwise indicates, the following terms have the  
36 following meanings.

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

40           B. "Participant" means a recipient of AFDC benefits who  
42 participates in ASPIRE-Plus.

44           **2. Authorization; duration.** The department shall apply to  
46 the Federal Government for a waiver to establish the ASPIRE-Plus  
48 project in accordance with this section.

          A. The ASPIRE-Plus project provides a reimbursement of up  
to 1/2 of the minimum wage for employers in department  
Regions II, IV and V that hire AFDC recipients who are in  
the Work Force Phase of the Family Self-support Program  
established in section 3760-I, subsection 12 for the federal  
maximum 6-month on-the-job training period.

          B. The ASPIRE-Plus project must be funded with the amount  
of the work-related expense reimbursement and with food  
stamp benefits for which the family or household was  
eligible, without considering the income from the  
ASPIRE-Plus on-the-job training wage.

          C. The duration of the ASPIRE-Plus project is 5 years.

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2 D. Participation in the ASPIRE-Plus project is limited by  
3 the availability of funds, as determined on a case-by-case  
4 basis by the department.

6 E. No more than 1,500 persons may participate in the  
7 ASPIRE-Plus project over its 5-year duration.

8 3. Cash-out pilot project. The department is directed to  
9 apply to the federal Department of Agriculture to obtain a waiver  
10 allowing a cash-out pilot project for ASPIRE-Plus participants.  
11 The amount of the food stamp benefit converted to cash must be  
12 paid by the employer as a wage through ASPIRE-Plus.

14 4. Rules governing employer use of program participants.  
15 The department shall adopt rules to determine which employers,  
16 including public and private sector employers, may hire  
17 ASPIRE-Plus project participants.

18 5. Maximum number of program participants with each  
19 employer. Each participating employer may be assigned one  
20 ASPIRE-Plus project participant. The maximum number of program  
21 participants that any employer is authorized to receive at any  
22 one time may not exceed one participant or 10% of the total  
23 number of the employer's employees, whichever is greater. The  
24 Director of the Bureau of Family Independence may waive this  
25 limit.

28 6. Exclusion of employers from participation. The  
29 department may establish criteria for excluding employers from  
30 participation in ASPIRE-Plus for reasons such as:

32 A. Failure to abide by project requirements or other  
33 demonstrated unwillingness to comply with the stated intent  
34 of the department; or

36 B. A pattern of terminating participants prior to the  
37 completion of training or not continuing employment when the  
38 subsidy ends.

40 7. Requirements; employers; jobs made available. For jobs  
41 made available through ASPIRE-Plus, employers:

42 A. May not require work in excess of 40 hours per week;

44 B. May not displace regular employees or fill unfilled  
45 positions previously established;

48 C. Must provide at least the minimum wage and may not pay a  
49 wage that is substantially less than the wage paid for

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2 similar jobs in the local economy with appropriate  
3 adjustments for experience and training;

4 D. Must provide participants with sick leave and holiday  
5 and vacation absences in conformance to the individual  
6 employer's rules for new employees;

7 E. Must provide participants with group health insurance  
8 benefits to the extent that federal or state law requires  
9 employers to provide those benefits; and

10 F. Must provide a mentor for the ASPIRE-Plus participant.

11 8. Amount to supplement loss in income. A participant  
12 whose participation in ASPIRE-Plus results in a loss of net  
13 income must receive from the department a supplement to that  
14 participant's wages to provide the same level of net income as  
15 the participant had prior to participation in ASPIRE-Plus.  
16 Participants may retain the full current child support obligation  
17 payments collected by the department.

18 9. Eligibility for medical assistance; child care. A  
19 participant who is eligible for federally funded and state funded  
20 medical assistance at the time the participant enters the project  
21 remains eligible as long as the participant continues to  
22 participate in ASPIRE-Plus. Child day-care services must be  
23 provided for all participants who require them in accordance with  
24 the federal Family Support Act of 1988, Public Law 100-485.

25 10. Employer agreements. An employer shall sign an  
26 agreement for each participant placed with that employer. The  
27 employer shall outline the specific job offered to the  
28 participant in the agreement and agree to abide by all  
29 requirements of the project, including the requirement that the  
30 ASPIRE-Plus project not supplant existing jobs. All agreements  
31 must include provisions noting the employer's responsibility to  
32 repay reimbursements in the event the employer violates  
33 ASPIRE-Plus project rules.

34 **§3741-N. Nonmandatory participants**

35 Beginning October 1, 1995, a recipient of federal Aid to  
36 Families with Dependent Children benefits must participate in an  
37 education, training or employment program as described in the  
38 federal Family Support Act of 1988, Public Law 100-485, unless  
39 that recipient is the parent or another relative of a child under  
40 6 months of age who is personally providing care for that child,  
41 is unable to work due to a physically or mentally handicapping  
42 condition as determined by the department, is needed in the home  
43 to care for an impaired household member or is 60 years of age or

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2 older. For purposes of this section, substance abuse or  
3 addiction may not be considered to be a handicapping condition.  
4 A recipient of Aid to Families with Dependent Children benefits  
5 shall sign a family contract in accordance with section 3741-J.

6 **§3741-O. Transitional medical assistance**

8 The department shall administer a program to provide  
9 extended eligibility for medical assistance in accordance with  
10 the federal Family Support Act of 1988, Public Law 100-485, in  
11 accordance with this section.

12  
13 **1. Receipt of Aid to Families with Dependent Children.** In  
14 order to receive transitional Medicaid as the result of increased  
15 earnings, number of hours worked or the loss of the federal  
16 disregard, a family must have received federal Aid to Families  
17 with Dependent Children benefits for at least 3 of the last 6  
18 months. The department shall apply for a waiver from the federal  
19 Department of Health and Human Services to provide transitional  
20 Medicaid benefits for families whose eligibility for Aid to  
21 Families with Dependent Children has terminated due to employment  
22 obtained through work search activities outlined in section  
23 3760-I, subsection 7. If termination of those benefits is due to  
24 employment obtained through such work search activities, a family  
25 must have received federal Aid to Families with Dependent  
26 Children benefits for at least one of the last 3 months.

27  
28 **2. Periodic reporting.** The department shall require  
29 reporting of income or circumstances in the 5th and 11th months  
30 of receipt of extended medical assistance.

31  
32 **3. Premiums; copayments; deductibles.** To continue to  
33 receive extended medical assistance following the first 6 months  
34 of coverage, a family must pay the following premiums:

- 35 **A.** For the 7th to 9th months, \$10 per month; and
- 36
- 37 **B.** For the 10th to 12th months, \$20 per month.

38  
39 **4. Scope of services.** The department shall provide the  
40 same scope of medical assistance to the individual as was  
41 provided when the individual's family was receiving federal Aid  
42 to Families with Dependent Children cash assistance.

43  
44 **§3741-P. Deductions from maximum grant**

45  
46 In determining the amount of assistance for which a family  
47 is eligible under this chapter, the department shall deduct all  
48 countable income from the maximum grant amount for the eligible  
49 family members.



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2           The department shall request a waiver from the federal  
3           Department of Health and Human Services to allow a deduction of  
4           \$100 from the monthly gross earned income prior to the  
5           department's consideration in determining the grant amount.

6           **Sec. A-16. 22 MRSA §3758, sub-§1, as amended by PL 1993, c.**  
7           **349, §51, is repealed.**

10           **Sec. A-17. 22 MRSA §3758, sub-§§2, 3 and 4, as enacted by PL**  
11           **1975, c. 441, §1, are repealed.**

12           **Sec. A-18. 22 MRSA §3758-A is enacted to read:**

14           **§3758-A. Transfer of funds**

16           Notwithstanding any other provision of law, the department  
17           may transfer to the Additional Support for People in Retraining  
18           and Employment account up to 12 months of any federal Aid to  
19           Families with Dependent Children general funds that represent  
20           federal Aid to Families with Dependent Children cost savings due  
21           to an Additional Support for People in Retraining and Employment  
22           participant obtaining employment. The transferred funds may be  
23           carried forward in the Additional Support for People in  
24           Retraining and Employment account for a period of up to 12  
25           months. Funds appropriated to either account do not lapse at the  
26           end of the fiscal year.

28           **Sec. A-19. 22 MRSA §3759, as reallocated by PL 1983, c. 816,**  
29           **Pt. A, §17, is repealed.**

32           **Sec. A-20. 22 MRSA §§3760-I and 3760-J are enacted to read:**

34           **§3760-I. Family Self-support Program**

36           **1. Waiver.** To implement changes in the Aid to Families  
37           with Dependent Children and ASPIRE-JOBS programs in the State,  
38           the department shall apply to the Federal Government for a waiver  
39           for a period of 5 years of any applicable provisions contained in  
40           the federal Social Security Act. The provisions approved in the  
41           waiver must be applied to all recipients of Aid to Families with  
42           Dependent Children benefits as approved by the Federal  
43           Government. The waived provisions must include those sections  
44           necessary to produce the Family Self-support Program described in  
45           this section. The department may make such changes to the  
46           program as are necessary to achieve federal waiver approval.

48           **2. Purposes of Aid to Families with Dependent Children and**  
49           **ASPIRE-JOBS.** The purposes of the Aid to Families with Dependent  
50           Children and ASPIRE-JOBS programs are to help recipients become

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2 self-supporting, reduce the average length of time that  
3 individuals are on welfare and prevent future welfare dependence.

4 3. Individual opportunity service contract recipients. A  
5 person who has an active individual opportunity service contract  
6 at the time that the waiver pursuant to subsection 1 is obtained  
7 must be treated as a new applicant under the Family Self-support  
8 Program at the expiration of the individual opportunity service  
9 contract.

10 4. Aid to Families with Dependent Children recipients.  
11 Except as provided in subsection 3, all persons who receive Aid  
12 to Families with Dependent Children benefits at the time that the  
13 waiver pursuant to subsection 1 is obtained enter the Family  
14 Self-support Program at the time of the review of eligibility for  
15 Aid to Families with Dependent Children benefits.

16 5. Provision of information. The department shall inform  
17 an individual who applies for Aid to Families with Dependent  
18 Children benefits of both parents' responsibility to support  
19 their children, the temporary nature of the benefits and the  
20 recipient's responsibility to become self-supporting through work  
21 search activities, participation in education, training or  
22 treatment programs and cooperation with the division of support  
23 enforcement and recovery. As long as the recipient is receiving  
24 Aid to Families with Dependent Children benefits, the department  
25 shall inform the recipient of the responsibility to participate  
26 in work search activities and to develop and participate in a  
27 plan to become self-supporting.

28 6. Refusal to participate. If an individual who is  
29 receiving Aid to Families with Dependent Children benefits  
30 refuses to participate or fails to participate in the ASPIRE-JOBS  
31 program or support enforcement activities or refuses to sign the  
32 family contract, the needs of that individual may not be  
33 considered in determining the grant or stipend amount for the  
34 remainder of the assistance unit. Income and assets of the  
35 individual must be used to determine the eligibility and amount  
36 of the grant or stipend for the remainder of the assistance  
37 unit. The individual continues to be eligible for Medicaid if  
38 all other eligibility factors are met.

39 7. Work search. All adults in families in which both  
40 parents are living with the children and all single parents whose  
41 children are aged 6 months or older who are determined to be  
42 eligible for Aid to Families with Dependent Children benefits on  
43 or after the effective date of the Family Self-support Program  
44 and whom the department determines to have employment skills must  
45 participate in work search activities as soon as determined  
46 eligible for those benefits. The recipient may continue to  
47 participate in work search activities as soon as determined  
48 eligible for those benefits. The recipient may continue to  
49 participate in work search activities as soon as determined  
50 eligible for those benefits. The recipient may continue to

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2 participate in work search activities while receiving Aid to  
3 Families with Dependent Children benefits even when the recipient  
4 is involved with other ASPIRE-JOBS activities.

6 8. Participation in education, training, treatment or  
7 employment program. Dependent children who are 16 years of age  
8 or older and under 18 years of age who are not attending  
9 full-time secondary school or engaged in full-time training  
10 designed to prepare those dependent children for employment, and  
11 caretaker relatives who are recipients of federal Aid to Families  
12 with Dependent Children benefits must participate for at least 20  
13 hours per week in an education, training, treatment or employment  
14 program developed by the department and the recipient. Except as  
15 provided in section 3741-N, no caretaker relative is exempt from  
16 this subsection. A person may be exempted from participation  
17 only due to lack of support services or placement opportunity.  
18 Work search activities required by subsection 7 may be used to  
19 meet the participation requirement of 20 hours per week.

20 9. Determination of types of opportunities. The department  
21 shall request that the federal Department of Health and Human  
22 Services delegate to the department the responsibility for  
23 determining the types of opportunities necessary to provide  
24 recipients of federal Aid to Families with Dependent Children  
25 benefits with skills to enable those recipients to become  
26 self-supporting and that these activities be included in  
27 determining the level of participation necessary to obtain  
28 maximum federal funding for the ASPIRE-JOBS program.

30 10. Orientation Phase. The 90 days following the date of  
31 eligibility determination for Aid to Families with Dependent  
32 Children benefits is the Orientation Phase.

34 A. During the Orientation Phase, the department shall hold  
35 meetings to inform recipients of Aid to Families with  
36 Dependent Children benefits of their rights and  
37 responsibilities and the expectations of the Family  
38 Self-support Program.

40 B. The Orientation Phase must include work search  
41 activities. Work search activities are required of all  
42 adults in families in which both parents are living with the  
43 children and all recipients of Aid to Families with  
44 Dependent Children who are single parents with children aged  
45 6 months or older and whom the department, working with the  
46 recipients, determines are ready to work.

48 C. During the Orientation Phase, a caretaker relative,  
49 working with department staff, shall develop an  
50 employability plan. The employability plan must include:

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2                   (1) A description of the situation or situations that  
4                   prevent the family from becoming economically  
                    self-supporting;

6                   (2) A description of the goals, objectives and support  
8                   services needed to overcome the barriers to economic  
                    self-support for the family; and

10                  (3) A description of the activities in which the  
12                  family members will be involved in order to meet the  
                    participation requirement of 20 hours per week  
14                  established in subsection 8.

16                  D. The Orientation Phase may be extended by the  
18                  commissioner or the commissioner's designee to 6 months for  
                    families in which there are individuals who are not ready to  
                    enter the Education, Training and Treatment Phase outlined  
                    in subsection 11.

20                  E. During the Orientation Phase, the department may offer  
22                  services to assist a caretaker relative to improve job  
24                  readiness skills as part of the participation requirement of  
                    20 hours per week established in subsection 8. These  
26                  services may include household budgeting, improving social  
                    skills, substance abuse counseling, health insurance  
28                  consultation, increasing self-esteem and family planning  
                    consultation. If the department determines that a recipient  
30                  of Aid to Families with Dependent Children benefits is  
                    hindered from obtaining employment by drug or alcohol abuse,  
32                  that recipient must enter into a treatment program for the  
                    abuse.

34                  F. If the recipient of Aid to Families with Dependent  
36                  Children benefits and the department determine that the  
                    recipient does not need education, training or treatment in  
                    order to become self-supporting, the recipient immediately  
38                  enters the Work Force Phase outlined in subsection 12.

40                  11. Education, Training and Treatment Phase. Except as  
42                  provided in subsection 10, paragraph F, following the Orientation  
                    Phase, recipients of Aid to Families with Dependent Children  
44                  benefits enter the Education, Training and Treatment Phase. The  
                    Education, Training and Treatment Phase may include work search  
46                  activities as part of the 20 hours of required participation in  
                    education and training activities established in subsection 8.

48                  A. The Education, Training and Treatment Phase may not last  
50                  longer than 24 consecutive calendar months, except that the  
                    commissioner or the commissioner's designee may extend the

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2       24-month period on a case-by-case basis when the recipient  
3       of Aid to Families with Dependent Children benefits is not  
4       determined ready to enter the Work Force Phase established  
5       in subsection 12. For purposes of calculating the duration  
6       of the Education, Training and Treatment Phase, the 24-month  
7       period begins with the month following the month in which  
8       the Orientation Phase ends. A recipient whose Aid to  
9       Families with Dependent Children benefits terminate during  
10       this 24-month period and who is subsequently determined  
11       eligible for Aid to Families with Dependent Children  
12       benefits may continue to receive Aid to Families with  
13       Dependent Children benefits if the recipient is otherwise  
14       eligible for the remainder of the 24-month period.

15       B. Support services identified by the recipient of Aid to  
16       Families with Dependent Children benefits and approved by  
17       department staff as necessary for the recipient to  
18       participate in the Education, Training and Treatment Phase  
19       must be approved for payment by the department within the  
20       limit of available funds.

21       C. Recipients of Aid to Families with Dependent Children  
22       benefits under 23 years of age who are attending school or  
23       are involved in an educational program recognized by the  
24       Department of Education or a local school board as meeting  
25       the requirements to obtain a high school diploma or the  
26       equivalent are considered to meet the requirements of this  
27       subsection and are not limited to the 24-month period. The  
28       department shall encourage recipients that are 19 years of  
29       age or younger to attend traditional education facilities.

30       12. Work Force Phase. Upon entry directly from the  
31       Orientation Phase pursuant to subsection 10, paragraph F or  
32       following the completion of the Education, Training and Treatment  
33       Phase, a recipient of Aid to Families with Dependent Children  
34       benefits is assigned to the Work Force Phase. During the first 2  
35       months of the Work Force Phase the department may require the  
36       recipient to engage in work search activities. During the first  
37       6 months of the Work Force Phase the individual must be assigned  
38       to a work force opportunity for at least 25 hours per week. From  
39       the 7th month on, the work force opportunity must be at least 30  
40       hours per week. If a recipient who is receiving the work force  
41       work-related expense reimbursement pursuant to paragraph B  
42       refuses to participate or fails to participate, the needs of that  
43       recipient may not be considered in determining the work-related  
44       expense reimbursement amount for the remainder of the assistance  
45       unit. Income and assets of a recipient must be used to determine  
46       eligibility and the amount of the work-related expense  
47       reimbursement for the remainder of the assistance unit. The  
48       department shall encourage recipients that are 19 years of

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2 recipient continues to be eligible for Medicaid if all other  
3 eligibility factors are met.

4 A. Child care and transportation services must be provided  
5 to Work Force Phase participants in the same manner as is  
6 provided during the Education, Training and Treatment Phase.

8 B. While a recipient of Aid to Families with Dependent  
9 Children benefits is in the Work Force Phase, the monthly  
10 cash grant is not considered an Aid to Families with  
11 Dependent Children grant but is instead considered a  
12 work-related expense reimbursement. Eligibility for and  
13 determination of the amount of the work-related expense  
14 reimbursement must be based on rules adopted by the  
15 department to determine eligibility and grant amounts during  
16 the Orientation Phase and the Employment, Training and  
17 Treatment Phase.

18 13. Developing resources. To encourage job placement  
19 opportunities and the provision of services necessary to ensure  
20 self-sufficiency to recipients of Aid to Families with Dependent  
21 Children benefits:

24 A. The department may contract with public and private  
25 agencies to establish job placement opportunities and to  
26 match the applicant or recipient with a job;

28 B. An agency that receives funds from any state department  
29 or division must provide at least one work force opportunity  
30 for a recipient in the Work Force Phase;

32 C. Each state agency must provide at least one work force  
33 opportunity for every 50 employees;

34 D. As a condition to receiving funds, an agency that  
35 receives funds from any state agency for the treatment of  
36 drug or alcohol abuse must give recipients of Aid to  
37 Families with Dependent Children benefits priority for  
38 services; and

40 E. A state agency that provides funding for child care or  
41 transportation services must give recipients of Aid to  
42 Families with Dependent Children benefits priority for those  
43 services.

46 14. Time limited benefits. For all recipients of Aid to  
47 Families with Dependent Children except those with handicapping  
48 disabilities that prevent them from obtaining gainful employment,  
49 Aid to Families with Dependent Children grant assistance is  
50 limited to a maximum of 36 months after completion of the

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2 Orientation Phase under subsection 10. Recipients whose grant  
3 assistance is terminated pursuant to this subsection and whose  
4 family income is at or below 125% of the federal poverty level  
5 are entitled in the same manner as other former recipients to  
6 transitional benefits for child care and transportation as needed  
7 for employment and for medical care.

8 15. Eligibility determination. All applicants for Aid to  
9 Families with Dependent Children shall disclose and the  
10 eligibility worker shall visit the applicant's home and verify  
11 the following information, including computer cross-checking for  
12 accuracy: home address, Social Security numbers of the applicant  
13 and all family members, place of residence, assets, income and  
14 recent employment. All applicants shall complete an extensive  
15 follow-up interview one week after the initial application.

16 16. Benefit level. All applicants who have resided within  
17 this State for less than 3 months are eligible for Aid to  
18 Families with Dependent Children assistance at the benefit level  
19 provided by their state of former residence or this State,  
20 whichever is lower.

21 17. Paternity. Paternity must be established for all  
22 dependent children of all Aid to Families with Dependent Children  
23 recipients prior to payment of benefits unless the department has  
24 determined that an exception is justified on the basis of full  
25 cooperation in good faith and the department has granted an  
26 exception.

27 18. MaineServe. The department shall establish a  
28 MaineServe program designed to provide parents who are eligible  
29 for Aid to Families with Dependent Children opportunities to  
30 serve their communities and this State.

31 A. Any ASPIRE-JOBS participant over 16 years of age is  
32 eligible to volunteer for MaineServe, except that any person  
33 under 20 years of age who has not completed high school or  
34 its equivalent must also participate in an educational  
35 activity designed to complete high school education.

36 B. MaineServe volunteers may serve for up to 9 months. At  
37 the end of the service period, the MaineServe volunteer and  
38 the ASPIRE case manager shall evaluate the MaineServe  
39 placement. If it is determined to be appropriate, the  
40 MaineServe volunteer may renew the placement within  
41 MaineServe.

42 C. The MaineServe program is an alternative community work  
43 experience program subject to the standards set out in the

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federal Social Security Act, 42 United States Code, Section 682(f).

**§3760-J. Custodial parents not yet 20 years of age**

**1. Mandatory participation.** A custodial parent who is not yet 20 years of age and who is a recipient of Aid to Families with Dependent Children benefits and has not completed a high school education or its equivalent must participate in the ASPIRE-JOBS program regardless of the age of that person's youngest child.

**2. Voucher payments only; limitation.** A custodial parent who is not yet 20 years of age and who is a recipient of Aid to Families with Dependent Children benefits must receive those benefits in the form of vouchers and is limited to a maximum of \$100 per month.

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

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

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

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

**Sec. A-25.** 22 MRSA §3782-A, sub-§3, as repealed and replaced by PL 1993, c. 385, §17, is amended to read:

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

**Sec. A-26.** 22 MRSA §3785, sub-§§7 and 8, as amended by PL 1993, c. 385, §18, are further amended to read:



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

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

10 **Sec. A-27. 22 MRSA §3785, sub-§§10, 11 and 12,** as amended by PL  
1993, c. 385, §18, are repealed.

12 **Sec. A-28. 22 MRSA §3788,** as amended by PL 1993, c. 385, §21,  
14 is repealed.

16 **Sec. A-29. 22 MRSA §3788-A** is enacted to read:

18 **§3788-A. Notice of program assistance**

20 The department shall provide written notice to all  
22 applicants for and recipients of Aid to Families with Dependent  
Children benefits of the temporary nature of the program, the  
24 recipients' responsibilities, program requirements and sanction  
policies and procedures.

26 **Sec. A-30. 22 MRSA §3789,** as amended by PL 1993, c. 385, §22,  
28 is repealed.

30 **Sec. A-31. 22 MRSA §§3789-B and 3789-C** are enacted to read:

32 **§3789-B. Interdepartmental Welfare Reform Committee**

34 The Interdepartmental Welfare Reform Committee, referred to  
in this section as the "committee," is established. The  
36 committee consists of the Commissioner of Education, the  
Commissioner of Labor, the President of the Maine Technical  
38 College System, the Commissioner of Mental Health and Mental  
Retardation, the Director of the Office of Substance Abuse and  
40 the Commissioner of Human Services, who serves as chair. The  
committee shall monitor the efforts of the state departments  
42 involved in welfare reform and ensure cooperation among those  
departments.

44 **§3789-C. Committee of staff and recipients**

46 The department shall establish a committee composed of  
frontline staff, program managers and recipients of Aid to  
48 Families with Dependent Children benefits to streamline  
application and case maintenance functions; develop a universal  
50 application, and review other forms, to be used for all programs;

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2 and bring as much uniformity as possible among the programs  
3 administered by the Bureau of Family Independence. The committee  
4 shall advise the commissioner of any changes in policies that  
5 might require a federal waiver, legislation or congressional  
6 action.

7 **Sec. A-32. Day Care Task Force.** The Department of Human  
8 Services shall establish the Day Care Task Force to examine  
9 options for increasing day care access for families leaving the  
10 Aid to Families with Dependent Children program. The review of  
11 options must include, but is not limited to, use of day care  
12 cooperatives involving family, increased family day care and use  
13 of community facilities such as schools and churches. The Day  
14 Care Task Force shall submit its report to the Commissioner of  
15 Human Services no later than November 1, 1995.

16 **Sec. A-33. Maine Revised Statutes amended; revision clause.**  
17 Wherever in the Maine Revised Statutes the words "Bureau of  
18 Income Maintenance" appear or reference is made to those words,  
19 they are amended to read and mean "Bureau of Family  
20 Independence," and the Revisor of Statutes shall implement this  
21 revision when updating, publishing or republishing the statutes.

22 **Sec. A-34. Transition to Bureau of Family Independence.** The  
23 Bureau of Family Independence is the successor in every way to  
24 the powers, duties and functions of the former Bureau of Income  
25 Maintenance within the Department of Human Services. The Bureau  
26 of Family Independence shall emphasize the values of work,  
27 family, responsibility and reciprocity.

28 1. All existing rules, regulations and procedures in  
29 effect, in operation or adopted by the Bureau of Income  
30 Maintenance or any of its administrative units or officers are  
31 declared in effect and continue in effect until rescinded,  
32 revised or amended by the proper authority.

33 2. All existing contracts, agreements and compacts  
34 currently in effect in the Bureau of Income Maintenance continue  
35 in effect.

36 3. Any positions authorized and allocated subject to the  
37 personnel laws to the former Bureau of Income Maintenance are  
38 transferred to the Bureau of Family Independence and may continue  
39 to be authorized.

40 4. All records, property and equipment previously belonging  
41 to or allocated for the use of the former Bureau of Income  
42 Maintenance become, on the effective date of this Act, part of  
43 the property of the Bureau of Family Independence.

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5. All existing forms, licenses, letterheads and similar 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.

**Sec. A-35. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the acronym "ASPIRE" appear or reference is made to that acronym, they are amended to read and mean "Additional Support for People in Retraining and Employment," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. A-36. Amendment of requested waiver for Project Opportunity.** The Department of Human Services shall amend its request to the Federal Government for a waiver under the United States Social Security Act, Section 1115 to replace the demonstration project known as Project Opportunity with the ASPIRE-Plus project.

**Sec. A-37. Development of opportunities.** The Department of 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 serve recipients of Aid to Families with Dependent Children benefits. The Department of Human Services and the Department of Education shall work cooperatively to encourage individuals 19 years of age and younger to remain in a traditional high school environment.

**Sec. A-38. Curriculum.** The Department of Human Services shall work cooperatively with the Department of Education to develop a curriculum and curricular materials to be used in schools throughout the State to discourage teenagers from becoming parents at a young age and provide good parenting skills for those teenagers who do become parents. The curriculum must include information about parental responsibilities, child support requirements and basic parenting techniques.

**PART B**

**Sec. B-1. 22 MRSA §2761-B is enacted to read:**

**§2761-B. Hospital-based paternity acknowledgement**

**1. Birthing center.** As used in this section, "birthing center" means a hospital or other facility that provides childbirth services.

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2 2. Procedure. A birthing center shall provide an  
3 opportunity for all unmarried parents to complete a voluntary  
4 acknowledgement of paternity form. A birthing center shall  
5 provide to each unmarried mother and alleged father, if present,  
6 written information about paternity establishment provided by the  
7 department, forms needed to voluntarily acknowledge paternity and  
8 the opportunity to speak with a person who is trained to clarify  
9 information and answer questions about paternity establishment.  
10 The birthing center shall forward all completed acknowledgement  
11 forms to the department.

12 3. Written information. The department shall develop an  
13 acknowledgement form and written information for use by birthing  
14 centers in carrying out the requirements of this section. The  
15 information must include a description of the benefits and  
16 responsibilities of paternity establishment. The information  
17 must include instructions on completing the acknowledgement  
18 form. The acknowledgement form must require the person providing  
19 the information to swear to the truth of the information and must  
20 display prominently a warning that the information given must be  
21 truthful and is given under penalty of law for falsehood.

22 4. Technical assistance. The department shall provide  
23 birthing centers with training and technical assistance as needed  
24 to carry out the requirements of this section.

25 5. Reimbursement. The department may establish by rule a  
26 fee to reimburse birthing centers for each voluntary  
27 acknowledgement of paternity form completed.

28 6. Rulemaking. The department shall adopt rules to  
29 implement this section that comply with all applicable federal  
30 regulations.'

31 Further amend the bill by inserting at the end before the  
32 statement of fact the following:  
33

FISCAL NOTE

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

38 Eliminating GAP payments for unearned income is projected to  
39 generate General Fund savings of \$500,000 and \$2,000,000 and  
40 Federal Expenditure Fund savings of \$862,697 and \$3,449,591 in  
41 fiscal years 1995-96 and 1996-97, respectively. These savings  
42 are included in the Governor's proposed current services budget.

2 Lowering the age threshold to 3 months results in  
3 significant additional costs to serve new mandatory  
4 participants. The General Fund requirement is estimated to be in  
5 excess of \$4,000,000 in fiscal year 1995-96 and \$8,000,000 in  
6 fiscal year 1996-97.

8 Requiring home visits will increase the General Fund cost of  
9 establishing eligibility by approximately \$240,000, annually.

10 Establishing a 36-month time limit for benefits will result  
11 in General Fund and Federal Expenditure Fund savings beginning in  
12 fiscal year 1997-98. The time limit provision may also result in  
13 future General Assistance program costs.

16 Limiting voucher payments to teen parents to \$100 per month  
17 is inconsistent with federal requirements that prohibit reducing  
18 the benefit beyond a certain level.

20 The additional costs to supervise and provide a mentor for  
21 certain participants who are placed in a state agency can be  
22 absorbed by the various state departments and agencies utilizing  
23 existing budgeted resources.

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

34 The hospital-based paternity provisions will increase Other  
35 Special Revenue from child support collections which will result  
36 in General Fund and Federal Expenditure Fund savings. The exact  
37 amounts can not be estimated.

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

44 The cash-out pilot project will result in insignificant  
45 increases of General Fund revenue if a waiver is obtained to  
46 convert tax-exempt food stamp benefits to cash payments by an  
47 employer.

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

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2 The Department of Human Services will incur some minor  
4 additional costs to prepare and submit the required waivers and  
6 to establish the Day Care Task Force and the Interdepartmental  
Welfare Reform Committee. These costs can be absorbed within the  
department's existing budgeted resources.

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

14  
16 **STATEMENT OF FACT**

18 This is the minority amendment of the Joint Standing  
20 Committee on Human Resources. It alters the bill as follows.

22 1. It adds Department of Human Services Region IV to the  
24 ASPIRE-Plus project, the pilot project providing income  
supplementation to participants who are hired by employers and  
reimbursement for up to 1/2 the minimum wage to those employers,  
and raises the participation limit to 1500 persons.

26 2. It requires participation in education, training or  
28 employment and work search of persons caring for children 6  
30 months of age and older. For purposes of education, training or  
employment, it declares substance abuse or addiction not to be a  
handicapping condition.

32 3. It increases the time per week in the work force phase  
34 so that 25 hours per week is required in the first 6 months and  
30 hours per week in following months.

36 4. It limits benefits payable under the Aid to Families  
38 with Dependent Children program to 36 months after the  
orientation phase for all recipients except those with  
40 handicapping disabilities that prevent them from working. It  
allows those families that are terminated from the program due to  
42 the time limitation on benefits and whose income is at or below  
125% of the federal poverty level to receive transitional medical  
44 benefits and, if needed for employment, to receive transitional  
child care and transportation benefits.

46 5. It limits teen parents' voucher payments to a maximum of  
48 \$100 per month.

**COMMITTEE AMENDMENT**

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- 2           6. It requires paternity acknowledgement forms to be sworn  
to and to contain a warning of the potential consequences of  
falsely swearing.
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- 6           7. It requires extensive interviews, disclosure of  
information, computer cross-checking, verification of home  
address, assets, income, Social Security numbers and employment  
8 and a home visit during the determination of eligibility.
- 10          8. It limits benefit levels for new residents to the level  
of the state of their former residence or the level in Maine,  
12 whichever is lower.
- 14          9. It requires paternity to be established prior to payment  
of benefits, unless an exception is granted by the Department of  
16 Human Services.
- 18          10. It adds a MaineServe public service component to the  
Family Self-support Program.
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- 11. It adds a fiscal note to the bill.