

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1302

S.P. 407

In Senate, March 4, 1997

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### **An Act to Amend the Aid to Families with Dependent Children Program.**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator RAND of Cumberland.  
Cosponsored by Representative SAXL of Portland and  
Senators: GOLDTHWAIT of Hancock, KILKELLY of Lincoln, MILLS of Somerset,  
PARADIS of Aroostook, Representatives: MAYO of Bath, QUINT of Portland, TOWNSEND  
of Portland.

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

2           **Sec. 1. 22 MRSA §3741, sub-§1**, as enacted by PL 1995, c. 418,  
4 Pt. A, §5, is amended to read:

6           **1. Administering program.** The department may ~~shall~~  
8 administer and operate a program of aid to dependent children  
within the United States Social Security Act and any amendments  
and additions to the Act, which is called the Aid to Families  
10 with Dependent Children program. ~~The department shall also~~  
implement and operate a program of aid to the dependent children  
12 of intact families with unemployed parents in accordance with 42  
United States Code, Section 607, as amended. The program aids  
14 needy families that include a dependent child who is deprived of  
parental support or care because one parent is absent,  
16 incapacitated or unemployed.

18 The department may use funds provided under the United States  
Social Security Act, Title IV-A or state funds appropriated for  
20 this purpose, or a combination of state and federal funds to  
provide assistance to families under this chapter.

22           **Sec. 2. 22 MRSA §3471, sub-§7, ¶C** is enacted to read:

24           C. "Direct aid" means aid provided under this chapter that  
26 families with dependent children may receive from the  
department in the form of a check, alternative aid pursuant  
28 to section 3760-I or aid to teen parents pursuant to section  
3741-C, subsection 3.

30           **Sec. 3. 22 MRSA §3741-C, sub-§1**, as repealed and replaced by  
32 PL 1995, c. 418, Pt. A, §7, is amended to read:

34           **1. Participation.** A recipient of AFDC must participate in  
an education, training or employment program ~~as described in the~~  
36 ~~Family Support Act~~ unless exempt under paragraphs ~~A and B~~  
paragraph A, B or C.

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

46           B. The recipient is exempt if that recipient has a child  
48 who has needs that are professionally documented related to  
physical disabilities, mental illness, mental retardation,

developmental delays or disabilities, or emotional or behavioral problems.

C. The recipient is exempt if that recipient is hindered in that recipient's ability to participate because the recipient is a victim of domestic violence.

**Sec. 4. 22 MRSA §3741-C, sub-§§5 to 7** are enacted to read:

**5. Eligibility and benefits.** The department shall establish eligibility criteria and benefit levels for direct aid that must be uniform statewide and may not be limited in duration except as otherwise provided in this section.

**6. Due process.** The department shall take written applications for aid, which must be available on request. The department shall provide the applicant a written notice of the granting or denial of aid within 30 days of the application. If the family is granted aid, the notice must state the amount of the benefit and aid must be provided to the family within 45 days of the date of application. If the family is denied aid, the notice must inform the applicant of the reason for the denial. The notice must inform all applicants of their right to a fair hearing before an impartial hearing officer and also inform the applicant how to request a hearing. Hearing requests may be made orally or in writing. Hearings must be conducted pursuant to the Maine Administrative Procedure Act.

**7. Information.** The department shall provide all applicants for aid under this section with written information understandable at a 6th-grade reading level and orally, as appropriate or if requested, about the conditions of eligibility, the scope of programs, the effect of earned income on assistance, the existence of related services and the rights and responsibilities of applicants for and recipients of aid under this section.

## SUMMARY

This bill authorizes the Department of Human Services to continue Maine's Aid to Families with Dependent Children program, using money from the Temporary Assistance for Needy Families block grant funds that replace the federal Aid to Families with Dependent Children program in the United States Social Security Act, Title IV-A. It further establishes that in Maine there will be no time limit on receipt of aid to families with dependent children and that victims of domestic violence who would have difficulty participating in ASPIRE-JOBS are exempt from such participation. This bill also places in state law the

2      due process and fairness protections that are currently part of  
the AFDC program, but have been repealed from federal law.