

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1757

S.P. 587

In Senate, April 8, 1997

**An Act to Further Maine's Welfare Reform Initiatives and Establish
Maine's Temporary Assistance for Needy Families Program.**

(EMERGENCY)

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representative LOVETT of Scarborough and
Senators: MICHAUD of Penobscot, MITCHELL of Penobscot, Representatives: FULLER of
Manchester, KANE of Saco, KERR of Old Orchard Beach, LEMAIRE of Lewiston,
MARVIN of Cape Elizabeth, SAXL of Portland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** current law providing coverage to some noncitizen
groups and the provision of payment of the "pass through" of
child support expires on June 30, 1997; and

8
10 **Whereas,** funding for programs, services and equipment needed
to meet the requirements of the Personal Responsibility and Work
Opportunity Reconciliation Act of 1996 and to further welfare
reform in the State is dependent on enactment of the provisions
of this legislation; and

14
16 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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

22 **Sec. 1. 5 MRSA §12004-I, sub-§36,** as amended by PL 1993, c.
24 360, Pt. C, §1, is repealed.

26 **Sec. 2. 5 MRSA §12004-I, sub-§36-C** is enacted to read:

28 36-C. Temporary Not 22 MRSA
Human Services Assistance Authorized §3774
30 for Needy
 Families
32 Advisory
 Council

34 **Sec. 3. 19 MRSA §776, sub-§1, ¶B,** as enacted by PL 1979, c.
36 668, §6, is amended to read:

38 B. "Public assistance" means public assistance as provided
under Title 22, section 3173, 3271 or 3741 3762.

40 **Sec. 4. 19-A MRSA §2605, sub-§1, ¶A,** as enacted by PL 1995, c.
42 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

44 A. "Public assistance" means public assistance as provided
under Title 22, section 3173, 3271 or 3741 3762.

46 **Sec. 5. 20-A MRSA §10908, first ¶,** as amended by PL 1993, c.
48 360, Pt. C, §2, is further amended to read:

2 In conjunction with the Maine ~~Aid-to-Families-with-Dependent~~
3 ~~Children Temporary Assistance for Needy Families~~ Advisory Council
4 established pursuant to Title 22, section 3774 3789-D, the
University of Maine System:

6 **Sec. 6. 22 MRSA §9-A, sub-§1, ¶A**, as enacted by PL 1989, c.
566, is amended to read:

8 A. "Public assistance" means any of the following:

10 (1) ~~Aid-to-families-with-dependent-children Temporary~~
12 ~~assistance for needy families~~ under chapter ~~1053~~ 1053-B;

14 (2) Food stamp assistance under section 3104;

16 (3) General assistance under chapter 855 and any
state-funded portion under chapter 1161; and

18 (4) Medical assistance under chapter 855.

20 **Sec. 7. 22 MRSA §16, sub-§1, ¶C**, as reenacted by PL 1985, c.
22 819, Pt. A, §24, is amended to read:

24 C. "Public assistance" means aid, assistance or benefits
available through:

26 (1) A program of ~~aid--to--families--with--dependent~~
28 ~~children temporary assistance for needy families~~
administered in this State pursuant to chapter ~~1053~~
30 1053-B;

32 (2) A program of medical assistance administered in
this State pursuant to chapter 855; or

34 (3) Any other program that is based on need and is
36 conducted or administered by this State.

38 **Sec. 8. 22 MRSA §21, sub-§1**, as enacted by PL 1995, c. 675,
§1, is amended to read:

40 1. **AFDC.** "AFDC" means the Aid to Families with Dependent
42 Children program administered pursuant to former chapter 1053.

44 **Sec. 9. 22 MRSA §3733**, as enacted by PL 1993, c. 158, §2, is
amended to read:

46 **§3733. Designated agency**

48 To the extent permitted by federal law, the department shall
50 coordinate and administer all available federal and state child

2 care funds, including, but not limited to, those available under
the ~~federal United States Social Security Act, Title IV, Part A~~
4 ~~and Title XX, the federal Family Support Act of 1988~~; the federal
Omnibus Budget Reconciliation Act of 1990, Section 5081; and the
6 federal Child Care and Development Block Grant Act of 1990, as
amended by the Personal Responsibility and Work Opportunity
Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105.

8
10 **Sec. 10. 22 MRSA §3734, sub-§2**, as enacted by PL 1993, c. 158,
§2, is amended to read:

12 **2. Block grant funds encumbered.** Within 6 months of
receiving any payment under the federal Child Care and
14 ~~Development Block Grant Program~~ Fund, the department shall expend
or encumber 100% of the payment.

16
18 **Sec. 11. 22 MRSA §3735**, as enacted by PL 1993, c. 158, §2, is
amended to read:

20 **§3735. Child care for ASPIRE-TANF participants**

22 The department shall ensure that all persons referred for
participation in the State's ASPIRE-~~JOBSTANF~~ program receive
24 information regarding child care options from caseworkers who are
knowledgeable about the range of child care subsidies available
26 in this State and who can explain the relative advantages of each
option. This may be done directly by the department or by the
28 department's designee.

30 **Sec. 12. 22 MRSA §3739, sub-§5, ¶E**, as enacted by PL 1993, c.
158, §2, is amended to read:

32 E. ~~Determine~~ Advise how the State can better use child care
34 funds available under the federal Social Security Act, ~~Title~~
~~IV, Part A, particularly those funds available through the~~
36 ~~federal Transitional Child Care Program~~, and develop a
proposal to use federal and state funds to supplement the
38 earned income disregard for families receiving aid ~~to~~
~~families with dependent children~~ Temporary Assistance for
40 Needy Families;

42 **Sec. 13. 22 MRSA c. 1053**, as amended, is repealed.

44 **Sec. 14. 22 MRSA §3760-G**, as enacted by PL 1993, c. 385,
§14, is repealed.

46
48 **Sec. 15. 22 MRSA §3760-H, sub-§2**, as amended by PL 1995, c.
418, Pt. A, §19, is repealed.

2 (1) Continue the pass through of the first \$50 of
4 current child support collections and the exclusion of
the \$50 pass through from the budget tests and benefit
calculations;

6 (2) Provide financial and medical assistance to
8 certain noncitizens legally admitted to the United
10 States. Recipients of services under this subparagraph
12 are limited to the categories of noncitizens who were
14 covered by the Aid to Families with Dependent Children
16 and Medicaid programs prior to the enactment of the
Personal Responsibility and Work Opportunity
Reconciliation Act of 1996. Eligibility for these
programs must be determined using the same criteria as
that for other recipients of these programs, including
the 60-month time limit for receipt of benefits;

18 (3) Provide benefits to 2-parent families whose
20 deprivation is based on physical or mental incapacity
when the affected parent is a recipient of federal
supplemental security income;

22 (4) Provide an assistance program for needy children,
24 19 to 21 years of age, who are in full-time attendance
26 in a secondary school. The program is operated for
28 those individuals who fail to meet the age requirement,
30 but who otherwise qualify for TANF under the United
32 States Social Security Act, and is also operated for
the parent or caretaker relative of those individuals.
Except for the age requirement, all provisions of TANF,
including the standard of need and the amount of
assistance, apply to the program established pursuant
to this subparagraph;

34 (5) Provide assistance for a pregnant woman who is
36 otherwise eligible for assistance under this chapter,
38 except that she has no dependents under 19 years of
40 age. An individual is eligible for the monthly benefit
42 for one eligible person if the medically substantiated
expected date of the birth of her child is not more
than 90 days following the date the benefit is
received; and

44 (6) Provide a special housing allowance for a TANF
46 family whose shelter expenses for rent, mortgage or
48 similar payments, property insurance and property taxes
50 equal or exceed 75% of their monthly income. The
special housing allowance is limited to \$50 per month
for each family. For purposes of this subparagraph,
"monthly income" means the total of the TANF monthly

2 benefit, plus child support received by the family,
 excluding the \$50 pass-through payment.

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

10 3. Move to sustainable employment. The department shall
assist parents who receive benefits under TANF to move as quickly
12 as possible into employment that will sustain the family.

14 4. Training; partnerships. The department shall increase
the employability of parents who receive benefits under TANF
16 through on-the-job training and strengthening the public and
private workforce partnership by developing training sites and
18 jobs for those parents.

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

24 6. Definitions. As used in this chapter, unless the
context otherwise indicates, the following terms have the
26 following meanings.

28 A. "PRWORA" means the Personal Responsibility and Work
Opportunity Reconciliation Act of 1996, Public Law 104-193,
30 110 Stat. 2105.

32 B. "TANF" means the Temporary Assistance for Needy Families
program, under the United States Social Security Act, as
34 amended by PRWORA. "TANF" provides temporary financial
assistance to needy, dependent children and their parents or
36 caretaker relatives.

38 7. Transitional support services. The department shall
administer a program of transitional support services in
40 accordance with PRWORA and this subsection.

42 A. The department shall administer a program to provide
transitional support services eligibility for medical
44 assistance to families whose average gross monthly earnings,
minus such costs to the family for child care as is
46 necessary for employment, do not exceed 185% of the federal
poverty guidelines in accordance with PRWORA and this
48 section. In order to receive transitional Medicaid as the
result of increased earnings, number of hours worked or the
50 loss of disregards, a family must have received TANF for at

2 least 3 of the last 6 months, except as provided in
paragraph B.

4 B. The department shall provide transitional Medicaid
benefits for families whose eligibility for TANF has
6 terminated due to employment obtained through work search
activities pursuant to this chapter, in which case the
8 family must have received TANF for at least one of the last
3 months. Transitional Medicaid for these families is
10 dependent on provisions of the approved federal waiver.

12 C. The department shall require reporting of income or
circumstances for the purpose of determining eligibility and
14 premium payments for benefits under this section in
accordance with rules adopted by the department. Rules
16 adopted pursuant to this section are routine technical rules
as defined by Title 5, chapter 375, subchapter II-A.

18 D. To continue to receive extended medical assistance
20 following the first 6 months of coverage, a family entering
the transitional medical assistance program prior to
22 approval of a federal waiver with income above 133% of the
federal poverty guidelines must pay premiums in accordance
24 with rules adopted by the department. Rules adopted
pursuant to this subsection are routine technical rules as
26 defined by Title 5, chapter 375, subchapter II-A. If a
family, entering the transitional medical assistance program
28 after approval of a federal waiver, has average gross
monthly earnings, less average monthly costs for such child
30 care as is necessary for employment, that are above 100% of
the federal poverty guidelines, then that family shall pay,
32 beginning in their 7th month of receiving transitional
medical assistance, monthly premiums equal to 3% of that
34 family's average gross monthly earnings, less the average
monthly costs for such child care as is necessary for
36 employment.

38 E. The scope of services provided under this section must
be the same as the scope of services provided when a family
40 received TANF.

42 F. The department shall extend the transitional medical
assistance program to families who meet the requirements of
44 the program and who enter the transitional medical
assistance program on or after approval of a federal waiver
46 for 2 years beyond the families' initial one-year period of
eligibility. In administering the extended benefits under
48 this subsection, the department shall require the reporting
of income or circumstances and the payment of premiums under
50 paragraphs C and D.

2 G. The department shall administer a program to provide
4 transitional child care to families whose eligibility for
 cash TANF benefits is terminated due to an increase of
6 earnings or number of hours worked.

8 H. The department shall provide limited transitional
10 transportation benefits to meet employment-related costs to
 ASPIRE-TANF program participants who have lost eligibility
12 for TANF benefits due to employment. Benefits must be
 provided for up to 90 days following loss of TANF
14 eligibility. The department may adopt rules that impose a
 weekly limit on available transitional transportation
 benefits and require a contribution from each participant
16 toward the cost of transportation.

18 §3763. Program requirements

20 1. Family contract. All parents or caretaker relatives
22 applying for or receiving TANF shall sign a family contract.
24 During the TANF program orientation process, a representative of
 the department and each TANF caretaker relative shall enter into
26 a family contract. The family contract must state the
 responsibilities of the parties to the agreement, including, but
28 not limited to, cooperation in child support enforcement and
 determination of paternity, the requirements of the ASPIRE
30 program and referral to parenting activities and health care
 services. Refusal to sign the family contract or to abide by the
32 provisions of the contract, except for referral to parenting
 activities and health care services, will result in sanctions.
34 Failure to comply with referrals to parenting activities or
 health care services without good cause will result in a review
 and evaluation of the reason for noncompliance by the
 representative of the department and may result in sanctions.

36 The family contract must be amended in accordance with section
38 3788.

40 2. Participation. A recipient of TANF shall participate in
42 an education, training or employment program pursuant to this
 chapter unless exempt under paragraph A, B or C. The following
44 individuals are exempt:

46 A. A recipient who is the single custodial parent or a
 caretaker relative of a child under one year of age and is
48 personally providing care for that child. This exemption is
 limited to no more than 12 months per single custodial
 parent or caretaker relative;

2 B. A recipient who is not a parent or a caretaker relative;
and

4 C. A recipient who is a VISTA volunteer under the federal
Domestic Volunteer Service Act of 1973.

6
8 3. Custodial parents not yet 20 years of age. A custodial
parent under 20 years of age who is a recipient of TANF and has
10 not completed high school or its equivalent shall participate in
the ASPIRE-TANF program regardless of the age of the youngest
12 child and attend courses to complete high school, with an
emphasis on education in a traditional high school setting.

14 4. Households headed by minor parents. In order to receive
TANF benefits, a parent who is under 18 years of age and is not
16 married and has a dependent child in that parent's care must
reside in the household of a parent, legal guardian or other
18 adult relative of that minor parent or in an adult-supervised
supportive living arrangement unless:

20 A. The minor parent does not have a living parent or legal
22 guardian whose whereabouts is known;

24 B. A living parent or legal guardian of the minor parent
does not allow the minor parent to live in the parent's or
26 guardian's home;

28 C. The minor parent lived apart from the minor's own parent
or legal guardian for a period of at least one year before
30 the birth of the dependent child or the minor parent's
application for TANF;

32 D. The physical or emotional health or safety of the minor
34 parent or dependent child would be jeopardized if that minor
parent or dependent child resided in the same residence with
36 the minor parent's parent or legal guardian; or

38 E. There exists other good cause, as that term is defined
by the department through rulemaking.

40 A custodial parent who is not married, is under 18 years of age
42 and who is a recipient of TANF must receive those benefits in the
form of vouchers.

44 5. Home visit. The department may implement a home visit
46 program in which the department may visit the homes of all
persons eligible for TANF for the following purposes:

48 A. To review the family contract;
50

2 B. To reinforce the reporting responsibilities of the
family, including child support enforcement;

4 C. To verify information provided at the time of
application, including checking social security numbers; and

6 D. To request and receive any additional information.

8
10 6. Substantiation of eligibility. The department may
appropriately substantiate the facts supporting eligibility
stated in any application for TANF before approving the
12 application.

14 7. Earned income tax credit. The department shall advise
applicants and recipients of Temporary Assistance for Needy
16 Families regarding the federal earned income tax credit,
including the opportunity to receive it as an advanced payment.

18
20 8. Alternative aid. To assist applicants who seek
short-term assistance to obtain or retain employment, the
22 department shall pay one-time voucher payments of up to 3 times
the monthly TANF grant for which the family is eligible. If the
24 family reapplies for TANF within 3 months of receiving
alternative aid, the family must repay any alternative aid
26 received in excess of the amount that the family would have
received on TANF. The method of repayment must be the same as
28 that used for the repayment of unintentional overpayments in the
TANF program.

30 9. Emergency assistance. The department, at the discretion
of the commissioner, may establish and operate a program of
32 emergency assistance to needy families with children within the
United States Social Security Act, Title IV-A, Section 406(e),
34 and any amendments and additions.

36 This program must provide:

38 A. Benefits to needy families with children in emergency
situations in which the family is deprived of the basic
40 necessities essential to their support, including, but not
limited to, utility terminations, lack of adequate shelter,
42 fire and other natural disasters. In determining what
constitutes an emergency with respect to utility
44 terminations, the department shall grant assistance when an
otherwise qualified family has received a disconnection
46 notice and has exhausted their ability to negotiate and pay
the terms of a reasonable payment arrangement. The program
48 may not be used to supplant local responsibility for
operating or funding a general assistance program. The
50 department may not expend more than \$750,000 of state

2 general assistance funds for the purposes of covering the
3 cost of services set out in this paragraph.

4 **§3764. Federal grants**

6 The Treasurer of State is the appropriate fiscal officer of
7 the State to receive federal grants on account of the TANF
8 program and administration of those grants, in accordance with
9 the Social Security Act, and the State Controller shall authorize
10 expenditures as approved by the department.

12 **§3765. Payments to guardian or conservator**

14 When a relative with whom a child is living is found by the
15 department to be incapable of taking care of the child's money,
16 payment may be made only to a legally appointed guardian or
17 conservator and, notwithstanding Title 18-A, Article V, Part 4,
18 in the matter of infirmities of age or physical disability to
19 manage the child's estate with prudence and understanding, the
20 Probate Court may appoint any suitable person as a conservator.

22 **§3766. Parental responsibility**

24 The parents of a child receiving aid under this chapter are
25 responsible for partial or total support of that child, if they
26 are of sufficient ability. In determining the ability of the
27 parents, their assets as well as their income must be considered.

28 The department may bring proceedings in the District Court
29 or Superior Court in the county where the child resides or in the
30 county where the parent may be found to compel any person liable
31 under this section to contribute to the support of any child
32 receiving that aid if, after reasonable efforts on the part of
33 the department, voluntary contributions have not been made. The
34 department shall bring the action as a petition for support upon
35 not less than 7 days' notice. The court may order either one or
36 both parents of the child to contribute to the support of the
37 child money payable weekly or monthly as determined in accordance
38 with Title 19, chapter 7, subchapter I-A and Title 19-A, chapter
39 63 and may enforce obedience by appropriate decrees, execution
40 issuing for that money when payable. An order for child support
41 under this section may include an order for the payment of part
42 or all of the medical expenses, hospital expenses and other
43 health care expenses of the child or an order to provide a policy
44 or contract for coverage of those expenses. When the defendant
45 is committed to jail on execution under this section, the county
46 having jurisdiction of the process shall bear the expense of the
47 defendant's commitment and support. The defendant may petition
48 the court issuing that execution for relief and the judge of the

2 court, after due notice to the department and hearing on the
3 petition, may order the defendant's discharge from imprisonment
4 on the terms and conditions justice requires.

6 **§3767. Fraud in obtaining aid, civil recovery**

8 Any sums paid to or in behalf of any person under sections
9 3762 to 3765, as a result of any false statement,
10 misrepresentation or concealment of assets or income, may be
11 recovered in a civil action brought by the department against the
12 person to whom such money was paid.

14 **§3768. Disbursements**

16 **1. Payment priority.** Payments made on behalf of the
17 department for TANF and for foster care have priority over other
18 payments and must be made without delay whether or not they are
19 pursuant to a state plan or contract. The department shall
20 cooperate with other state agencies to accomplish priority
21 payments.

22 **2. Transfer of funds.** Notwithstanding any provision of
23 law, except Title 5, section 1585, the department is authorized
24 to transfer to the ASPIRE account as often as twice per fiscal
25 year funds representing cost savings with the TANF program
26 resulting from ASPIRE-TANF program participants' obtaining
27 employment during that fiscal year. The department shall
28 determine the amount of savings in the aggregate by utilizing the
29 number of ASPIRE-TANF program participants entering employment in
30 each quarter of the fiscal year. Funds appropriated to either
31 account do not lapse at the end of the fiscal year.

32 The department shall provide to the joint standing committee of
33 the Legislature having jurisdiction over appropriations and
34 financial affairs and the joint standing committee of the
35 Legislature having jurisdiction over health and human services
36 matters a report twice per year on the amount of funds
37 transferred and the number of ASPIRE-TANF program participants
38 entering employment.

40 **§3769. Rulemaking**

42 The department shall adopt rules to implement this chapter.
43 Rules adopted pursuant to this chapter are routine technical
44 rules as defined in Title 5, chapter 375, subchapter II-A.

46 **Sec. 19. 22 MRSA §3774,** as repealed and replaced by PL 1993,
48 c. 360, Pt. C, §4, is repealed.

2 **Sec. 20. 22 MRSA §3781-A**, as amended by PL 1995, c. 418, Pt.
A, §25, is further amended to read:

4 **§3781-A. Additional Support for People in Retraining and**
6 **Employment - Temporary Assistance for Needy Families**
 established

8 **1. ASPIRE-TANF program defined.** "ASPIRE-JOBS-Program TANF
10 program" means the Additional Support for People in Retraining
and Employment - ~~Job-Opportunities-and-Basic-Skills-Training~~
12 Program Temporary Assistance for Needy Families program
established pursuant to this chapter and the ~~Family-Support-Act~~
14 Personal Responsibility and Work Opportunity Reconciliation Act
of 1996.

16 **2. Administration.** The ASPIRE-JOBS-Program TANF program is
established. The department shall administer the program.

18 **3. Purpose.** The purpose of this program is to provide
20 services and support to recipients of ~~Aid-to-Families-with~~
~~Dependent-Children~~ Temporary Assistance for Needy Families and to
22 reduce dependence on public assistance to the extent that
adequate funding is available for that purpose. The principal
24 goal is to focus on helping people obtain and retain employment
that sustains their families.

26 **4. Limitation or reduction of services when resources**
28 **inadequate.** The department shall adopt rules in accordance with
the Maine Administrative Procedure Act that include methods for
30 limiting or reducing services when adequate resources are not
available.

32 **5. Child care during participation in employment, education**
34 **and training.** The department shall provide child care in
accordance with PRWORA when the child care is necessary to permit
36 a TANF eligible family member to participate in the ASPIRE-TANF
program.

38 The department shall provide an ASPIRE-TANF program participant's
40 actual cost for child care up to the maximum rate authorized by
federal law. In determining the maximum rate, the State shall
42 use a method that results in an amount that equals, or most
closely approaches, the actual market rate in different regions
44 of the State for various types of child care services received by
families in the State participating in the ASPIRE-TANF program.

46 **Sec. 21. 22 MRSA §3782-A**, as amended by PL 1995, c. 418, Pt.
48 A, §26, is further amended to read:

2 §3782-A. ASPIRE-TANF program

4 1. **Case management services.** The department shall provide
6 case management services to individuals participating in the
8 ASPIRE-JOBS-Program TANF program, referred to in this section as
the "program." The department shall adopt rules in accordance
with the Maine Administrative Procedure Act defining or
describing those services.

10 2. **Purchase of services.** The department may contract with
12 public and private agencies and individuals to deliver
14 employment, training and other services for program participants
consistent with the purposes of the program.

16 Program funds may not be used to purchase services from an agency
18 under this subsection that are available on a nonreimbursable
basis, if those nonreimbursable services meet the needs of a
program participant.

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

32 4. **Rural access.** The department shall adopt rules in
34 accordance with the Maine Administrative Procedure Act to provide
access to Additional Support for People in Retraining and
36 Employment - ~~Job-Opportunities-and-Basic-Skills-Training-Program~~
Temporary Assistance for Needy Families program services for
38 recipients of ~~Aid-to-Families-with-Dependent-Children~~ Temporary
Assistance for Needy Families living in rural areas. Services
must be provided on an equitable basis throughout the State.
40 Access to these services may be reasonably limited by the
42 department due to factors such as availability of staff and
44 funding. The rules adopted by the department must include, in
addition to other methods necessary to achieve this goal,
adequate provisions for itinerant service stationing.

46 **Sec. 22. 22 MRSA §3785, first ¶,** as amended by PL 1993, c. 385,
48 §18, is further amended to read:

50 An individual may not be sanctioned under this program or
~~Aid-to-Families-with-Dependent-Children~~ Temporary Assistance for

2 Needy Families for failure to participate in the ASPIRE-JOBS
3 ~~Program~~ TANF program if that failure to participate is based on
4 good cause. Good cause for failure to participate in this
5 program must be found when there is reasonable and verifiable
6 evidence of:

7 **Sec. 23. 22 MRSA §3785, sub-§6**, as amended by PL 1993, c. 385,
8 §18, is further amended to read:

9 **6. Assignment to another activity.** Assignment by the
10 department to an activity or component that has not been made
11 part of the ~~individual-opportunity-service~~ family contract;

12 **Sec. 24. 22 MRSA §3786, 2nd ¶**, as amended by PL 1993, c. 385,
13 §19, is further amended to read:

14 Rules governing services provided under this chapter apply
15 equally to all participating ~~Aid-to-Families-with-Dependent~~
16 ~~Children~~ Temporary Assistance for Needy Families recipients,
17 whether those services are provided by the ~~Department-of-Human~~
18 ~~Services~~ department or any other agency, organization or
19 individual providing ASPIRE-JOBS-~~Program~~ TANF program services to
20 participants.

21 **Sec. 25. 22 MRSA §3788**, as amended by PL 1995, c. 418, Pt. A,
22 §§29 to 33, is further amended to read:

23 **§3788. Program requirements**

24 **1. Notice of program assistance.** The department shall
25 provide written notice to all applicants for and recipients of
26 the ~~Aid-to-Families-with-Dependent-Children~~ Temporary Assistance
27 for Needy Families program of the range of education, employment
28 and training opportunities, and the types of support services,
29 including transitional support services and medical assistance,
30 available under the ASPIRE-JOBS-~~Program~~ TANF program, together
31 with a statement that all participants may apply for those
32 opportunities and services.

33 **2. Application; decision.** ~~Notwithstanding any provision~~
34 ~~contained in an employability development plan~~ As part of the
35 orientation process for TANF, all participants must be given the
36 opportunity to apply for any education, training, employment and
37 support services at the office of the program serving the area in
38 which that individual lives. The program shall issue a written
39 decision promptly, in accordance with rules adopted by the
40 department, on all applications. The participant must be given
41 in writing the reasons and specific rules supporting that denial
42 and an explanation of the individual's right to request a
43 conciliation meeting, a fair hearing, or both. ~~For the purposes~~

2 of this subsection, "participant" means a recipient of Aid to
Families with Dependent Children who has completed the
4 ASPIRE-JOBS Program work evaluation and has been informed by the
department that funds are available to provide ASPIRE-JOBS
6 Program services to the recipient.

8 3. **Assessment.** Each participant's case manager shall
conduct an assessment to determine that individual's education,
10 training and employment needs in accordance with the Family
Support Act based on available program resources, the
12 participant's skills and aptitudes, the participant's need for
supportive services, local employment opportunities and, to the
14 maximum extent possible, the preferences of the participant.

16 4. Employability plan. An employability plan must be
adopted in accordance with the Family Support Act for each
18 individual during the work evaluation. The employability plan
must consider available program resources, the participant's
20 skills and aptitudes, the applicant's need for supportive
services, local employment opportunities and, to the maximum
22 extent possible, the preferences of the participant.

24 4-A. **Family contract amendment.** To the extent that
sufficient funds, training sites and employment opportunities are
26 reasonably available, the department and a participant in the
program shall enter into an individual opportunity service
28 contract that reflects, to the maximum extent possible, the
preference of the participant and the services offered by the
30 program. The individual opportunity service expanded family
contract that must include both the department's and the
32 participant's activities and the support services necessary for
the individual to participate in accordance with the Family
34 Support Act PRWORA. The participant's first individual
opportunity service contract must be established promptly in
36 accordance with rules adopted by the department. The rules must
provide for an expedited procedure for the development of the
38 individual opportunity service contract when necessary to meet
the participation or enrollment requirements of an educational
40 institution or training program.

42 5. **Provision of support services.** Beginning January 1,
1990, payment Payment for support services must be furnished
44 promptly in accordance with rules adopted by the department to,
or on behalf of, eligible individuals as agreed to in the
46 employability plan family contract. The rules must provide for
an expedited procedure for payment for support services when
48 those services are immediately necessary to enable the
participant to participate in an approved education, training or
50 employment plan.

~~The support services required to participate in the employability plan must be specified in an individual opportunity service contract and each participant must receive the support services prescribed in that contract, which may include respite care.~~

6 **6. Education, training and employment services.** The
ASPIRE-JOBS-Program must TANF program shall make available a
8 broad range of education, training and employment services in
accordance with section 3781-A, subsection 3 and the--Family
10 Support Act PRWORA. These services and activities must include
all of those services and activities offered by the Additional
12 Support for People in Retraining and Employment Program on
October 1, 1989. This section does not prohibit the department
14 from purchasing equivalent services from providers other than
those from whom those services were purchased on October 1,
16 1989. When a particular approved education or training service
is available at comparable quality and cost, including the cost
18 of support services, and the implementation of the employability
plan family contract would not be unreasonably delayed, the
20 program participant may choose to enroll for that service with
the provider of that person's preference. If this decision is
22 not mutually agreed to by the participant and the case manager,
the decision must be reviewed by the case manager's supervisor.
24 These services do not include reimbursement for the cost of
tuition or mandatory fees for postsecondary education unless:

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

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

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

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

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

46 When a substantially similar postsecondary education or training
program of comparable quality is available at both a public and
48 private institution, within a reasonable commuting distance for
the participant, the department may choose to approve the program

2 offered at the public institution if the participant's program
can be completed at less cost at the institution.

4 **9. Rules.** The department may adopt rules in accordance
with the Maine Administrative Procedure Act to implement this
6 section.

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

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

22 B. Work evaluation consists of all activities related to
orientation, assessment, ~~employability plan development~~ and
24 initial ~~individual--opportunity--service~~ family contract
formulation. Work evaluation is limited to a maximum of 90
26 days, unless extended by the commissioner or the designee of
the commissioner. If an ASPIRE-JOBS TANF participant is
28 determined by the department to be job ready, the
participant may access the workforce-MaineServe component
30 directly from work evaluation.

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

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

50

2 For individuals who are satisfactorily participating in an
4 education or training program prior to the work evaluation,
6 the department must determine the acceptability of the
8 activity for purposes of meeting the participation
10 requirements of this chapter using the same criteria as is
12 used for any individual in the ASPIRE-JOBS--Program TANF
14 program.

16 D. Workforce-MaineServe consists of paid employment,
18 subsidized employment, apprenticeships or other mandatory
20 work activities, which may continue until the participant is
22 ineligible for AFDC TANF benefits.

24 **11. Individual participation requirements.** Participation
26 in the program components is governed by subsection 10 and this
28 subsection.

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

42 B. ASPIRE-JOBTANF participants who are attending school or
44 are involved in an equivalent educational program recognized
46 by the Department of Education or a local school board are
48 considered to be in the education, training or treatment
component and their participation is not limited to 24
months. The department shall encourage recipients younger
than 20 years of age who have not completed high school to
attend traditional high school.

50 C. Subject to the requirements of the Americans with
52 Disabilities Act, if a recipient of AFDC TANF is hindered
54 from obtaining employment or successfully completing any
56 portion of the ASPIRE-JOBS-Program TANF program by reason of
58 drug or alcohol abuse, the recipient must enter into a drug
60 or alcohol abuse treatment program. This treatment activity
62 may occur at any time during the ASPIRE-JOBS-Program TANF
64 program.

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

2 A. All agencies that receive funds from any state
workforce-MaineServe opportunity for an ASPIRE-JOBSTANF
4 participant.

6 B. All state agencies that provide funding for child care
or transportation services must require that recipients of
8 AFDC TANF be given priority for those services.

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

14 ~~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.~~

22 14. Family planning services. To the extent that funds
permit, the department, in cooperation with the grant manager of
the State's family planning system, shall develop and the grant
manager of the statewide association of family planning services
providers shall implement an intensive peer education project to
increase the use of family planning services to recipients of
TANF. The target population must include, but is not limited to,
recipients at risk of repeat pregnancy, recipients who are minors
and individuals at risk of becoming TANF recipients.

32 The peer education project shall provide direct, in-person family
planning information, education and counseling to members of the
target population and recruits, trains and, if funding is
available, provides permanent employment for TANF recipients as
peer education workers.

38 **Sec. 26. 22 MRSA §3788-A**, as enacted by PL 1995, c. 418, Pt.
40 A, §34, is amended to read:

42 **§3788-A. MaineServe**

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

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

50

2 A. To meet the human, educational, environmental and public
safety needs of this State without displacing existing
workers;

4
6 B. To renew the ethic of civic responsibility and the
spirit of community throughout the State;

8 C. To encourage parents who are eligible for AFDC TANF to
engage in voluntary service to the State;

10
12 D. To expand and strengthen existing nonprofit and public
sector initiatives that are addressing the needs of their
communities and of the State; and

14
16 E. To provide parents who are eligible for AFDC TANF the
opportunities to serve their communities and the State in a
manner that assists them in developing and renewing their
18 skills in ways that may lead to employment that is
sufficient to sustain their families.

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

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

34
36 **4. Conditions of service.** The MaineServe program is an
alternative work experience program subject to the standards set
out in the Social Security Act, 42 United States Code, Section
682(f) (1996).

38
40 **Sec. 27. 22 MRSA §3788-B** is enacted to read:

42 **§3788-B. ASPIRE-Plus**

44 The department shall establish an on-the-job training
program called ASPIRE-Plus to encourage employers to develop jobs
46 for ASPIRE-TANF program participants.

48 **Sec. 28. 22 MRSA §3789-B**, as corrected by RR 1995, c. 2, §43,
is amended to read:

50 **§3789-B. Interdepartmental Welfare Reform Committee**

2 The Interdepartmental Welfare Reform Committee, referred to
3 in this section as the "committee," is established. The
4 committee consists of the Commissioner of Education, the
5 Commissioner of Labor, the President of the Maine Technical
6 College System, the Commissioner of Mental Health, Mental
7 Retardation and Substance Abuse Services, the Director of the
8 Office of Substance Abuse, the Commissioner of Corrections or a
9 designee from the Maine Youth Center and the Commissioner of
10 Human Services, who serves as chair. The committee shall monitor
11 the efforts of the state departments involved in welfare reform
12 and ensure cooperation among those departments.

14 1. Development of shared approach. The committee shall
15 explore the feasibility of developing a shared approach to the:

16 A. Technology to support access to information talent
17 banks, national job banks, Maine's job listings and any
18 other job opportunity listings;

19 B. Technology to facilitate linking program resources
20 listings;

21 C. Technology to coordinate the case service providers; and

22 D. Technology to track food stamp clients who are involved
23 with job training programs within the Department of Labor
24 for continued eligibility purposes.

25 Sec. 29. 22 MRSA §3789-D is enacted to read:

26 §3789-D. Maine Temporary Assistance for Needy Families Advisory
27 Council

28 1. Duties. The Maine Temporary Assistance for Needy
29 Families Advisory Council, as established by Title 5, section
30 12004-I, subsection 36-C, shall advise the commissioner or the
31 commissioner's designee regarding education, training, job
32 opportunities and other matters affecting recipients of Temporary
33 Assistance for Needy Families.

34 2. Members. The commissioner shall appoint the members of
35 the council. Members must include at least the following:

36 A. Two recipients of benefits under the Temporary
37 Assistance for Needy Families program;

38 B. One representative of employers within the State;

39 C. One representative of organized labor;

2 D. One representative of women's interests; and

4 E. One or more representatives of organizations or agencies
6 that have experience in addressing the training, education
 and job needs of low-income women.

8 **Sec. 30. 22 MRSA §4062, sub-§3**, as enacted by PL 1991, c. 747,
10 §4, is amended to read:

12 **3. Priority of payments.** The department shall ensure that
14 payments for foster care made under this subchapter have the same
 priority as payments for ~~aid-to-families-with-dependent-children~~
16 temporary assistance for needy families pursuant to section 3758
 3768, subsection 7 1.

18 **Sec. 31. 26 MRSA §1002, sub-§9**, as amended by PL 1993, c. 630,
 Pt. B, §10, is further amended to read:

20 **9. Commitment to apprenticeships for women and recipients**
22 **of temporary assistance for needy families.** Cooperate, consult
 and coordinate with the Maine ~~Aid-to-Families-with-Dependent~~
24 ~~Children Temporary Assistance for Needy Families~~ Advisory
 Council, established by Title 22, section ~~3774~~ 3789-D, and other
26 relevant groups to identify the obstacles ~~which that~~ may prevent
 the greater participation of women and of ~~aid-to-families-with~~
28 ~~dependent--children~~ temporary assistance for needy families
 recipients in registered apprenticeships, and the necessary
 measures to be taken to overcome them.

30 **Sec. 32. 36 MRSA §6207, sub-§3, ¶B**, as enacted by PL 1995, c.
32 395, Pt. S, §4, is amended to read:

34 B. Who are receiving ~~Aid-to-Families-with-Dependent~~
36 ~~Children Temporary Assistance for Needy Children~~ and are
 eligible for the housing special needs payment pursuant to
 Title 22, section ~~3760-D~~ 3762, subsection 1, paragraph B,
38 subparagraph (6).

40 **Sec. 33. Maine Revised Statutes amended; revision clause.**
42 Wherever in the Maine Revised Statutes the words Aid to Families
 with Dependent Children appear or reference is made to those
44 words, they are amended to read and mean Temporary Assistance for
 Needy Families, and the Revisor of Statutes shall implement this
 revision when updating, publishing or republishing the statutes.

46 **Sec. 34. Allocation.** The following funds are allocated from
48 the Federal Block Grant funds under the federal Personal
 Responsibility and Work Opportunity Reconciliation Act of 1996

2 Federal Block Grant for the fiscal years ending June 30, 1997,
June 30, 1998 and June 30, 1999 to carry out the purposes of this
Act.

4		1997	1998	1999
6	HUMAN SERVICES,			
8	DEPARTMENT OF			
10	Aid to Families with			
	Dependent Children			
12	All Other	\$-0-	\$3,441,890	\$2,682,133
14	Provides for the allocation			
16	of funds pursuant to the			
18	federal Personal			
20	Responsibility and Work			
22	Opportunity Reconciliation			
24	Act of 1996 to provide			
26	benefits to families with			
28	dependent children who			
	qualify for the Temporary			
	Assistance for Needy Families			
	program, TANF.			
30	Administration-Income			
	Maintenance			
32	All Other	1,950,000	3,500,000	4,500,000
34	Provides for the allocation			
36	of funds to develop and			
	implement a computer system,			
	ACES, Automated Client			
	Eligibility System.			
38	Welfare, Employment, Education			
	and Training			
40	All Other	3,300,000	9,000,000	11,000,000
42	Provides for the allocation			
44	of funds for ASPIRE services			
46	associated with TANF			
48	recipients participation in			
	the ASPIRE Program.			
50	Purchased Social Services			

2 All Other -0- 500,000 500,000
 4 Transfers funds to the Social
 6 Services Block Grant for
 8 additional services for
 victims of domestic violence
 to assist them as they move
 towards being self-supporting.

10 **Regional - Income Maintenance**

12 All Other 350,000 700,000 700,000
 14 Provides for the allocation
 16 of funds for additional data
 processing costs.

18 **Departmentwide**

20 All Other (5,600,000) (18,141,890) (21,382,133)
 22 Deallocates funds and
 24 transfers these funds among
 26 several accounts to provide
 services and benefits
 28 associated with the
 implementation of welfare
 reform in accordance with the
 30 federal Personal
 Responsibility and Work
 32 Opportunity Reconciliation
 Act of 1996.

34 **Child Care Services**

36 All Other -0- 1,000,000 2,000,000
 38 Transfers funds from TANF to
 40 the Child Care Development
 42 Fund for additional child
 care services associated with
 self-support initiatives.

44 **Emergency clause.** In view of the emergency cited in the
 46 preamble, this Act takes effect when approved.

48

SUMMARY

2
4 This bill establishes the Temporary Assistance for Needy
6 Families program and makes some changes in the program formerly
8 known as aid to families with dependent children. These changes
10 are required as the result of the passage by the Federal
Government of the Personal Responsibility and Work Opportunity
Reconciliation Act of 1996. Included in this bill is the change
of the name of the aid to families with dependent children
program to the Temporary Assistance for Needy Families program.