

MAINE STATE LEGISLATURE

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L.D. 479

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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 377, L.D. 479, Bill, "An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability"

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

'Sec. 1. 22 MRSA §3785-A is enacted to read:

§3785-A. Sanction process

Prior to imposing a sanction against an individual, the department must complete the sanction process, which includes the following.

1. Procedures. Prior to imposing a sanction against an individual for failure to comply with Temporary Assistance for Needy Families or ASPIRE-TANF rules, the department shall:

A. Thoroughly review the circumstances of the individual;

B. Provide the individual with a notice that states the basis for the sanction and a complete list of good cause reasons as set forth in section 3785;

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2 C. Provide the individual with an opportunity to inform the
department of good cause circumstances under section 3785;
4 and

6 D. Obtain supervisory approval of the recommendation of the
case manager to impose a sanction.

8 **2. Information and report.** The department shall maintain
the following data, compiled and maintained by county and by
10 calendar month, regarding the imposition of sanctions:

12 A. The number of sanctions recommended by case managers to
supervisors; and

14 B. The number of sanctions denied or approved and imposed by
16 the department.

18 **3. Rulemaking.** The department shall adopt rules to
implement the sanction procedures required by this section.
20 Rules adopted pursuant to this section are routine technical
22 rules as defined by Title 5, chapter 375, subchapter II-A.

24 **Sec. 2. 22 MRSA §3788, sub-§3,** as amended by PL 1997, c. 530,
Pt. A, §26, is further amended to read:

26 **3. Assessment.** Each participant's case manager shall
28 conduct an assessment to determine that individual's education,
training and employment needs based on available program
30 resources, the participant's skills and aptitudes, the
participant's need for supportive services, local employment
32 opportunities, the existence of any good cause circumstances
under section 3785 and, to the maximum extent possible, the
34 preferences of the participant. The department shall document
findings in the participant's case record indicating any barriers
to participation, including, but not limited to, any physical or
36 mental health problems or other good cause circumstances
specified in section 3785.

38 **Sec. 3. 22 MRSA §3788, sub-§11, ¶D** is enacted to read:

40 D. If a claim of disability or other good cause is made by
42 a participant, the department shall assess the circumstances
of the claim. If good cause is found to exist, the
44 department shall offer reasonable alternative participation
requirements and document them in the participant's family
46 contract and case record.'

48 Further amend the bill by inserting at the end before the
summary the following:

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FISCAL NOTE

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The Bureau of Family Independence within the Department of Human Services will incur some minor additional costs to adopt rules to implement the sanction standards and procedures. These costs can be absorbed within the bureau's existing budgeted resources.'

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SUMMARY

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This amendment replaces the bill. It establishes a procedure for the imposition of sanctions in the TANF and ASPIRE-TANF programs, requires reporting on the imposition of sanctions, requires a determination when a claim of good cause for nonparticipation is claimed and requires documentation of good cause claim determinations and the imposition of sanctions. It also adds a fiscal note to the bill.