

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1312

H.P. 915

House of Representatives, March 31, 2009

**An Act To Require a State Agency To Reference the Livable Wage
in Information Published by That Agency**

(EMERGENCY)

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative STUCKEY of Portland.
Cosponsored by Senator BRANNIGAN of Cumberland and
Representatives: ADAMS of Portland, BERRY of Bowdoinham, BRYANT of Windham,
MAZUREK of Rockland, PETERSON of Rumford.

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

3 **Whereas,** the income eligibility criteria for most human services benefits and
4 services designed to assist people in the efforts to move out of poverty are tied to the
5 federal poverty level; and

6 **Whereas,** the current federal poverty measurement was created in the 1960s and has
7 not been modified, except for adjustments for inflation, to reflect the massive economic,
8 social and demographic shifts over the past 40 years; and

9 **Whereas,** the cost of food, which is the basis of the federal poverty level formula,
10 has decreased from 1/3 to 1/8 of household spending, according to the United States
11 Department of Labor, Bureau of Labor Statistics, and the federal poverty level calculation
12 does not account for housing, child care, health care, transportation and variances in the
13 cost of living across the nation; and

14 **Whereas,** the federal poverty level no longer represents a useful standard for
15 describing or defining the needs of poor families; and

16 **Whereas,** with the current condition of the state and national economy, enrollment
17 in human services safety net programs has significantly increased, which demands an
18 accurate measurement of poverty to accurately identify and adequately serve state
19 residents in need; and

20 **Whereas,** the Department of Labor has developed a state-specific measurement of
21 poverty, the livable wage scale, which reflects a basic needs budget for the State that is
22 current with the State's cost of living and economic environment; and

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

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

28 **Sec. 1. 5 MRSA §58** is enacted to read:

29 **§58. Including livable wage scale in agency-published information**

30 **1. Definitions.** As used in this section, "agency" means a state department, agency,
31 office, board, commission or quasi-independent agency, board, commission, authority or
32 institution.

33 **2. Agencies directed to reference Department of Labor livable wage scale in**
34 **published information.** An agency that publishes information that refers to the federal
35 poverty level must also refer in that publication to the Department of Labor livable wage
36 scale, as reported by the Department of Labor in the most recent annual report required
37 pursuant to Title 26, section 1405.

1 **Sec. 2. The Maine Council on Poverty and Economic Security directed to**
 2 **conduct assessment.** The Maine Council on Poverty and Economic Security, as
 3 established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 6-H, shall,
 4 within existing budgeted resources, assess alternative measurements to the federal
 5 poverty level that may be used to define poverty in this State. In conducting this
 6 assessment, the council shall:

7 1. Examine alternative poverty measurements to the federal poverty level, including
 8 the Department of Labor's livable wage scale, the National Academy of Sciences
 9 measurement, the measurement developed by New York City and other relevant
 10 measurements;

11 2. Assess the relevance of existing poverty measurements to the economic and
 12 demographic composition of the population of this State and the efficacy of using one or
 13 more of the measurements or developing a separate state-specific measurement to
 14 identify individuals and families living in poverty; and

15 3. Analyze the feasibility of state and local agencies using an alternative
 16 measurement to the federal poverty level to develop poverty threshold eligibility criteria
 17 or identify poor individuals and families in need of services.

18 The council shall include its findings and recommendations from its assessment in its
 19 annual report to the Governor and the Legislature by February 15, 2010, pursuant to Title
 20 5, section 13171, subsection 6. A copy of that report must be sent to each member of the
 21 Joint Standing Committee on Labor.

22 **Emergency clause.** In view of the emergency cited in the preamble, this
 23 legislation takes effect when approved.

24 **SUMMARY**

25 This emergency bill directs any state agency that publishes information that refers to
 26 the federal poverty level to also refer to the Department of Labor livable wage scale in
 27 that publication. The bill also directs the Maine Council on Poverty and Economic
 28 Security to assess alternative measurements to the federal poverty level and to make
 29 recommendations for a state-specific poverty measurement to the Governor and the
 30 Legislature in its annual report by February 15, 2010.