

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1443

H.P. 1037

House of Representatives, April 24, 2013

**An Act To Make Convicted Drug Felons Ineligible for TANF
Assistance**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator HAMPER of Oxford and
Representatives: SIROCKI of Scarborough, TURNER of Burlington.

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

2 **Sec. 1. 22 MRSA §3762, sub-§9, ¶D** is enacted to read:

3 D. The department shall require each applicant and recipient to state in a written
4 statement signed by the applicant or recipient whether the applicant or recipient or a
5 member of the applicant's or recipient's household has been convicted of a felony
6 drug offense as defined in subsection 17-A.

7 **Sec. 2. 22 MRSA §3762, sub-§17**, as enacted by PL 2001, c. 598, §2, is repealed.

8 **Sec. 3. 22 MRSA §3762, sub-§17-A** is enacted to read:

9 **17-A. Denial of assistance based on felony drug offense.** An individual convicted
10 of a felony drug offense after August 22, 1996 is not eligible for TANF assistance. As
11 used in this subsection, "felony drug offense" means an offense that, at the time of
12 conviction, is punishable by imprisonment for one year or more under any law of the
13 United States or of any state and that has as an element the possession, use or distribution
14 of a controlled substance as defined in Section 102(6) of the Controlled Substances Act,
15 21 United States Code 802(6) or a scheduled drug as defined in Title 17-A, section 1101,
16 subsection 11. "Felony drug offense" does not include conviction of a crime under the
17 laws of another state that is classified by laws of that state as a misdemeanor and is
18 punishable by a term of imprisonment of 2 years or less. This subsection must be applied
19 retroactively to current recipients of and new applicants for TANF assistance.

20 **Sec. 4. 22 MRSA §3762, sub-§20**, as reallocated by RR 2011, c. 1, §33, is
21 repealed.

22 **Sec. 5. Application.** That section of this Act that enacts the Maine Revised
23 Statutes, Title 22, section 3762, subsection 17-A applies to a person receiving Temporary
24 Assistance to Needy Families benefits on or after the effective date of this Act.

25 SUMMARY

26 Current law prohibits a person who has been convicted of a drug-related felony from
27 being denied Temporary Assistance to Needy Families, or TANF, benefits due to that
28 conviction. Current law also allows the drug testing of a person receiving TANF benefits
29 if the person has been convicted of a drug-related felony within 20 years of receiving
30 TANF. If the drug test is positive for illegal drugs, a 2nd test may be requested by the
31 person and, if the 2nd test is positive, the suspension of TANF benefits may be avoided
32 by enrolling in a substance abuse treatment program.

33 This bill repeals the prohibition against the denial of TANF benefits for a conviction
34 of a drug-related felony, instead providing that anyone who is convicted for a drug-
35 related felony after August 22, 1996 is ineligible for TANF benefits, including a person
36 who is receiving TANF benefits on the effective date of the legislation. The bill also
37 repeals the provision allowing the Department of Health and Human Services to
38 administer drug tests to persons convicted of a drug-related felony and the person who

1 tests positive for illegal drug use to avoid the loss of benefits. The bill requires an
2 applicant for or recipient of TANF benefits to declare in a written, signed statement
3 whether the person or any member of that person's household has been convicted of a
4 drug-related felony.