

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1375

S.P. 505

In Senate, April 28, 2015

An Act To Increase Accountability in Maine's Welfare Programs

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by President THIBODEAU of Waldo. (GOVERNOR'S BILL)
Cosponsored by Representative FREDETTE of Newport and
Senators: BRAKEY of Androscoggin, HAMPER of Oxford, MASON of Androscoggin,
Representatives: ESPLING of New Gloucester, MALABY of Hancock, SANDERSON of
Chelsea, SIROCKI of Scarborough, TIMBERLAKE of Turner.

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

2 **Sec. 1. 22 MRSA §23, sub-§1, ¶B**, as corrected by RR 2011, c. 2, §23, is
3 amended to read:

4 B. A gambling facility, as defined in Title 8, section 1001, subsection 16, except that
5 use of the electronic benefits transfer system is permitted in any portion of the
6 premises of a gambling facility that is set aside separately for the sale primarily of
7 staple foods as defined in 7 United States Code, Section 2012(r); ~~or~~

8 **Sec. 2. 22 MRSA §23, sub-§1, ¶C**, as enacted by PL 2011, c. 687, §4, is
9 amended to read:

10 C. A retail establishment that provides adult-oriented entertainment in which
11 performers disrobe or perform in an unclothed state for entertainment; or

12 **Sec. 3. 22 MRSA §23, sub-§1, ¶D** is enacted to read:

13 D. A tobacco specialty store, as defined in section 1541, subsection 7.

14 **Sec. 4. 22 MRSA §3762, sub-§21** is enacted to read:

15 **21. Work search requirement.** Before TANF assistance may be granted to an
16 applicant by the department, the applicant, if job ready as determined by the department,
17 must apply in writing for 3 separate advertised jobs and produce verifiable documentation
18 to the department of the applications. To satisfy this work search requirement, the job
19 applications may be submitted at any time from one week prior to the date of the
20 application to the department for TANF assistance to 2 weeks following that date.

21 **Sec. 5. 22 MRSA §3763, sub-§1-A**, as enacted by PL 2011, c. 380, Pt. PP, §4, is
22 amended to read:

23 **1-A. Partial and full termination of benefits.** Benefits under this chapter must be
24 terminated by the department under the provisions of subsection 1 and sections 3785 and
25 3785-A as follows:

26 A. For a first failure to meet the conditions of a family contract, termination of
27 benefits applies to the adult recipient;

28 B. For a first failure to meet the conditions of a family contract for which termination
29 of benefits under paragraph A lasts for longer than 90 days and for a 2nd ~~and~~
30 ~~subsequent~~ violation, termination of benefits applies to the adult recipient and the full
31 family unit; ~~and~~

32 B-1. For a 3rd and subsequent violation, termination of benefits applies to the adult
33 recipient and the full family unit for 6 consecutive months commencing upon
34 termination; and

35 C. Prior to the implementation of a full family unit sanction, the department shall
36 ~~offer the adult recipient an opportunity to claim good cause~~ follow the guidelines for
37 noncompliance as described in section 3785.

1 Benefits that have been terminated under this subsection must be restored once the adult
2 recipient signs a new contract under subsection 1 and complies with the provisions of the
3 family contract.

4 **Sec. 6. 22 MRSA §3763, sub-§8**, as amended by PL 2005, c. 522, §1, is further
5 amended to read:

6 **8. Alternative aid.** The department shall provide alternative aid to applicants who
7 seek short-term assistance in order to obtain or retain employment. ~~The applicants~~ An
8 applicant must meet the eligibility requirements established by ~~rule rules~~ rules adopted
9 pursuant to section 3762, subsection 3, paragraph A and may not have reached the
10 applicant's lifetime limit on assistance as described in section 3762, subsection 18. The
11 alternative aid may not exceed 3 times the value of the monthly TANF grant for which
12 the applicant's family is eligible. An eligible applicant may receive alternative aid no
13 more than once during any ~~12-month~~ 24-month period. If the family reapplies for TANF
14 within 3 months of receiving alternative aid, the family shall repay any alternative aid
15 received in excess of the amount that the family would have received on TANF. The
16 method of repayment must be the same as that used for the repayment of unintentional
17 overpayments in the TANF program.

18 **Sec. 7. 22 MRSA §3763, sub-§§11 to 13** are enacted to read:

19 **11. Restriction on use of electronic benefits transfer system outside State.** A
20 recipient of benefits under this chapter may not access those benefits through the
21 electronic benefits transfer system established in section 22 outside of this State.

22 **12. Prohibited expenditures.** Benefits under this chapter may not be expended on
23 the following:

24 A. Tobacco products, as defined in section 1551, subsection 3;

25 B. Imitation liquor and liquor, as defined in Title 28-A, section 2, subsections 13 and
26 16, respectively;

27 C. Gambling activity, as defined in Title 8, section 1001, subsection 15;

28 D. Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-state
29 Lotto Commission pursuant to Title 8, chapter 16;

30 E. Bail, as defined in Title 15, section 1003, subsection 1; or

31 F. Tattoo marks or figures, as described in Title 32, chapter 63.

32 **13. Restrictions on use of electronic benefits transfer system to withdraw cash.**
33 In a monthly benefit period, a recipient of benefits under this chapter may not withdraw
34 as cash an amount over 15% of the recipient's monthly benefits under this chapter
35 received in the recipient's electronic benefits transfer system account. For purposes of
36 this subsection, "monthly benefit period" means the period beginning the day the
37 recipient receives the recipient's monthly benefit and ending the day before the recipient
38 receives the next monthly benefit.

1 **Sec. 8. 22 MRSA §3785, sub-§§1 and 2**, as amended by PL 1993, c. 385, §18,
2 are repealed.

3 **Sec. 9. 22 MRSA §3785, sub-§3**, as enacted by PL 1987, c. 856, §7, is repealed.

4 **Sec. 10. 22 MRSA §3785, sub-§§4 and 5**, as amended by PL 1993, c. 385, §18,
5 are repealed.

6 **Sec. 11. 22 MRSA §3785, sub-§6**, as amended by PL 1997, c. 530, Pt. A, §21, is
7 repealed.

8 **Sec. 12. 22 MRSA §3785, sub-§7**, as amended by PL 1993, c. 385, §18, is
9 repealed.

10 **Sec. 13. 22 MRSA §3785, sub-§8**, as amended by PL 1997, c. 530, Pt. A, §22, is
11 repealed.

12 **Sec. 14. 22 MRSA §3785, sub-§12**, as amended by PL 1997, c. 530, Pt. A, §23,
13 is repealed.

14 **Sec. 15. 22 MRSA §3785-A, first ¶**, as enacted by PL 2001, c. 335, §1, is
15 amended to read:

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

18 **Sec. 16. 22 MRSA §3785-A, sub-§1**, as enacted by PL 2001, c. 335, §1, is
19 amended to read:

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

23 A. Thoroughly review the circumstances of the individual; and

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

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

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

30 **Sec. 17. 22 MRSA §3785-A, sub-§1-A** is enacted to read:

31 **1-A. Notice of basis for sanction.** At the time of imposing a sanction against an
32 individual for failure to comply with Temporary Assistance for Needy Families or
33 ASPIRE-TANF rules, the department shall provide the individual with a notice that states
34 the basis for the sanction and the good cause reason as set forth in section 3785.

1 **Sec. 18. 22 MRSA §3788, sub-§10, ¶C**, as amended by PL 2005, c. 480, §1, is
2 repealed and the following enacted in its place:

3 C. For individuals who are satisfactorily participating in an education or training
4 program, the department shall determine the acceptability of the activity for purposes
5 of meeting the participation requirements of this chapter using the same criteria as are
6 used for any individual in the ASPIRE-TANF program.

7 **Sec. 19. 22 MRSA §3788, sub-§11, ¶B**, as amended by PL 1997, c. 530, Pt. A,
8 §26, is further amended to read:

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

15 **Sec. 20. 22 MRSA §3788, sub-§11, ¶D**, as enacted by PL 2001, c. 335, §3, is
16 amended to read:

17 D. If a claim of disability or other good cause is made by a participant, the
18 department shall assess the circumstances of the claim. If disability or other good
19 cause is found to exist, the department shall offer reasonable alternative participation
20 requirements to the extent required by federal law and document them in the
21 participant's family contract and case record.

22 **Sec. 21. 22 MRSA §3790, sub-§3**, as repealed and replaced by PL 1999, c. 407,
23 §1, is amended to read:

24 **3. Program requirements.** An enrollee must participate in a combination of
25 education, training, study or work-site experience ~~for an average of 20 hours per week in~~
26 a manner that meets federal work participation requirements in the first 24 12 months of
27 the program. Aid under this chapter may continue beyond 24 12 months if the enrollee
28 remains in an educational program and ~~agrees to participate in either of the following~~
29 ~~options:~~ meets federal work participation requirements.

30 ~~A. Fifteen hours per week of work site experience in addition to other education,~~
31 ~~training or study; or~~

32 ~~B. A total of 40 hours of education, training, study or work site experience.~~

33 ~~The department shall present both options to enrollees and permit them to choose either~~
34 ~~option.~~ For the purpose of this subsection, work-site experience includes, but is not
35 limited to, paid employment, work study, practicums, internships, clinical placements,
36 laboratory or field work directly related to the enrollee's employment goal or any other
37 work activities that, as determined by the department, will enhance the enrollee's
38 employability in the enrollee's field. In the last semester of the enrollee's educational
39 program, work-site experience may also include resume preparation, employment
40 research, interviews and other activities related to job placement.

1 ~~The department shall make reasonable adjustments in the participation requirements in~~
2 ~~this subsection for good cause. For the purpose of this subsection, "good cause" means~~
3 ~~circumstances in which the required participation would cause the enrollee to seriously~~
4 ~~compromise academic performance. "Good cause" includes, but is not limited to, a~~
5 ~~verifiable need to take care of a family member with special needs, a physical or mental~~
6 ~~health problem, illness, accident, death or a serious personal or family problem that~~
7 ~~necessitates reduced participation or time off from education, training or work. An~~
8 ~~enrollee receiving aid under this chapter must make satisfactory progress in the enrollee's~~
9 ~~educational program. The department shall adopt rules defining satisfactory academic~~
10 ~~progress. The department may not disapprove an educational plan based solely on the~~
11 ~~length of the educational program.~~

12 SUMMARY

13 This bill creates a work search requirement for job-ready applicants to the Temporary
14 Assistance for Needy Families, or TANF, program.

15 The bill prohibits a recipient of benefits under the TANF program from using an
16 electronic benefits transfer system card to access those benefits outside of Maine.

17 The bill prohibits a recipient of benefits under the TANF program from withdrawing
18 in a monthly benefit period cash in an amount over 15% of the monthly TANF benefits
19 received in the recipient's electronic benefits transfer system account.

20 The bill prohibits benefits provided under the TANF program from being expended
21 on tobacco, imitation liquor, liquor, gambling, lotteries, tattoos and bail.

22 The bill makes the following changes to the laws governing the TANF program:

23 1. It removes all the good cause exceptions that prevent a person from being
24 sanctioned under the Additional Support for People in Retraining and Employment -
25 Temporary Assistance for Needy Families, or ASPIRE-TANF, program or the TANF
26 program for failure to participate in the ASPIRE-TANF program, with the exception of
27 domestic violence;

28 2. It removes the 24-month limit on education, training and treatment for participants
29 in the ASPIRE-TANF program; and

30 3. It imposes a 6-month termination of TANF benefits upon the imposition of a 3rd
31 sanction and removes the prenotification requirement prior to imposing a sanction.

32 The bill amends the time period in which applicants may receive alternative aid and
33 eliminates alternative aid to applicants who are not eligible for TANF benefits due to the
34 60-month time limit on benefits.

35 The bill amends the Parents as Scholars Program.

36 The bill prohibits the use of the electronic benefits transfer system at tobacco
37 specialty stores.