

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 336

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H.P. 250

House of Representatives, February 2, 2017

**An Act To Amend the Requirements of the Temporary Assistance  
for Needy Families Program**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DENNO of Cumberland.  
Cosponsored by Senator VOLK of Cumberland and  
Representatives: GATTINE of Westbrook, McELWEE of Caribou, PERRY of Calais,  
VACHON of Scarborough, Senator: KATZ of Kennebec.

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

2 **Sec. 1. 22 MRSA §3762, sub-§3**, as amended by PL 2015, c. 267, Pt. RRRR, §2,  
3 is further amended to read:

4 **3. Administration.** The department may administer and operate a program of aid to  
5 needy dependent children, called "Temporary Assistance for Needy Families" or  
6 "TANF," ~~who are deprived of support or care due to the death, continued absence,~~  
7 ~~physical or mental incapacity of a parent or the unemployment or underemployment of~~  
8 ~~the principal wage earner~~ in accordance with the United States Social Security Act, as  
9 amended by PRWORA and DRA, and this Title.

10 A. The department shall adopt rules as necessary to implement and administer the  
11 program. The rules must include eligibility criteria, budgeting process, benefit  
12 calculation and confidentiality. The confidentiality rules must ensure that  
13 confidentiality is maintained for TANF recipients at least to the same extent that  
14 confidentiality was maintained for families in the Aid to Families with Dependent  
15 Children program unless otherwise required by federal law or regulation.

16 B. The department may use funds, insofar as resources permit, provided under and in  
17 accordance with the United States Social Security Act or state funds appropriated for  
18 this purpose or a combination of state and federal funds to provide assistance to  
19 families under this chapter. In addition to assistance for families described in this  
20 subsection, funds must be expended for the following purposes:

21 (1) To continue the pass-through of the first \$50 per month of current child  
22 support collections and the exclusion of the \$50 pass-through from the budget  
23 tests and benefit calculations;

24 (2) To provide financial assistance to noncitizens legally admitted to the United  
25 States who are receiving assistance under this subsection as of July 1, 2011.  
26 Recipients of assistance under this subparagraph are limited to the categories of  
27 noncitizens who would be eligible for the TANF programs but for their status as  
28 aliens under PRWORA. Eligibility for the TANF program for these categories of  
29 noncitizens must be determined using the criteria applicable to other recipients of  
30 assistance from the TANF program. Any household receiving assistance as of  
31 July 1, 2011 may continue to receive assistance, as long as that household  
32 remains eligible, without regard to interruptions in coverage or gaps in eligibility  
33 for service. A noncitizen legally admitted to the United States who is neither  
34 receiving assistance on July 1, 2011 nor has an application pending for assistance  
35 on July 1, 2011 that is later approved is not eligible for financial assistance  
36 through a state-funded program unless that noncitizen is:

37 (a) Elderly or disabled, as described under the laws governing supplemental  
38 security income in 42 United States Code, Sections 1381 to 1383f (2010);

39 (b) A victim of domestic violence;

40 (c) Experiencing other hardship, such as time necessary to obtain proper  
41 work documentation, as defined by the department by rule. Rules adopted by

1 the department under this division are routine technical rules as defined by  
2 Title 5, chapter 375, subchapter 2-A; or

3 (d) Unemployed but has obtained proper work documentation, as defined by  
4 the department by rule. Rules adopted by the department under this division  
5 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;

6 (3) To provide benefits to ~~certain 2-parent families whose deprivation is based on~~  
7 ~~physical or mental incapacity~~ with children using the same eligibility  
8 requirements as apply to families headed by a single custodial parent or caretaker  
9 relative;

10 (4) To provide an assistance program for needy children, 19 to 21 years of age,  
11 who are in full-time attendance in secondary school. The program is operated for  
12 those individuals who qualify for TANF under the United States Social Security  
13 Act, except that they fail to meet the age requirement, and is also operated for the  
14 parent or caretaker relative of those individuals. Except for the age requirement,  
15 all provisions of TANF, including the standard of need and the amount of  
16 assistance, apply to the program established pursuant to this subparagraph;

17 (5) To provide assistance for a pregnant woman who is otherwise eligible for  
18 assistance under this chapter, except that she has no dependents under 19 years of  
19 age. An individual is eligible for the monthly benefit for one eligible person if  
20 the medically substantiated expected date of the birth of her child is not more  
21 than 90 days following the date the benefit is received;

22 (6) To provide a special housing allowance for TANF families whose shelter  
23 expenses for rent, mortgage or similar payments, homeowners insurance and  
24 property taxes equal or exceed 75% of their monthly income. The special  
25 housing allowance is limited to ~~\$200~~ \$300 per month for each family. For  
26 purposes of this subparagraph, "monthly income" means the total of the TANF  
27 monthly benefit and all income countable under the TANF program, plus child  
28 support received by the family, excluding the \$50 pass-through payment;

29 (7) In determining benefit levels for TANF recipients who have earnings from  
30 employment, the department shall disregard from monthly earnings the  
31 following:

32 (a) One hundred and eight dollars;

33 (b) Fifty percent of the remaining earnings that are less than the federal  
34 poverty level; and

35 (c) All actual child care costs necessary for work, except that the department  
36 may limit the child care disregard to \$175 per month per child or \$200 per  
37 month per child under 2 years of age or with special needs;

38 (7-A) In determining eligibility and benefit levels, the department may apply a  
39 gross income test only to applicants and not to recipients;

40 (8) In cases when the TANF recipient has no child care cost, the monthly TANF  
41 benefit is the maximum payment level or the difference between the countable

1 earnings and the standard of need established by rule adopted by the department,  
2 whichever is lower;

3 (9) In cases when the TANF recipient has child care costs, the department shall  
4 determine a total benefit package, including TANF cash assistance, determined in  
5 accordance with subparagraph (7) and additional child care assistance, as  
6 provided by rule, necessary to cover the TANF recipient's actual child care costs  
7 up to the maximum amount specified in section 3782-A, subsection 5. The  
8 benefit amount must be paid as provided in this subparagraph.

9 (a) Before the first month in which child care assistance is available to an  
10 ASPIRE-TANF recipient under this paragraph and periodically thereafter, the  
11 department shall notify the recipient of the total benefit package and the  
12 following options of the recipient: to receive the total benefit package  
13 directly; or to have the department pay the recipient's child care assistance  
14 directly to the designated child care provider for the recipient and pay the  
15 balance of the total benefit package to the recipient.

16 (b) If an ASPIRE-TANF recipient notifies the department that the recipient  
17 chooses to receive the child care assistance directly, the department shall pay  
18 the total benefit package to the recipient.

19 (c) If an ASPIRE-TANF recipient does not respond or notifies the  
20 department of the choice to have the child care assistance paid directly to the  
21 child care provider from the total benefit package, the department shall pay  
22 the child care assistance directly to the designated child care provider for the  
23 recipient. The department shall pay the balance of the total benefit package  
24 to the recipient;

25 (10) Child care assistance under this paragraph must be paid by the department  
26 in a prompt manner that permits an ASPIRE-TANF recipient to access child care  
27 necessary for work; and

28 (11) The department shall adopt rules pursuant to Title 5, chapter 375 to  
29 implement this subsection. Rules adopted pursuant to this subparagraph are  
30 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

31 **SUMMARY**

32 This bill changes the laws governing public assistance, which are intended to provide  
33 bridges to employment, by providing Temporary Assistance for Needy Families, or  
34 TANF, benefits and alternative aid benefits to 2-parent families based on the same  
35 eligibility requirements as apply to single-parent families and increasing from \$200 to  
36 \$300 the special housing allowance for families receiving TANF benefits.