

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 481

H.P. 344

House of Representatives, February 9, 2017

An Act To Promote Workforce Participation

(EMERGENCY)

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

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

ROBERT B. HUNT
Clerk

Presented by Representative STEWART of Presque Isle.
Cosponsored by Senator CARPENTER of Aroostook and
Representatives: ESPLING of New Gloucester, FREDETTE of Newport, Speaker GIDEON of
Freeport, Senators: CUSHING of Penobscot, LIBBY of Androscoggin, President
THIBODEAU of Waldo.

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,** employers throughout this State are struggling to hire and retain skilled
4 workers to meet the needs of their businesses; and

5 **Whereas,** thousands of parents in this State are currently receiving benefits under
6 the Temporary Assistance for Needy Families, TANF, program and are employed or
7 seeking employment; and

8 **Whereas,** employers are eager to hire TANF recipients, but often see such
9 employees struggle due to the rapid loss of TANF or other benefits after they return to
10 work, the so-called welfare cliff; and

11 **Whereas,** addressing this welfare cliff will assist employees to remain employed
12 and to establish stable and long-term employment, allowing them to move permanently
13 off of public assistance while meeting the needs of employers in this State; and

14 **Whereas,** it is imperative that this legislation take effect immediately so that
15 employees are incentivized to remain at work; and

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

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

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

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

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

31 (2) To provide financial assistance to noncitizens legally admitted to the United
32 States who are receiving assistance under this subsection as of July 1, 2011.
33 Recipients of assistance under this subparagraph are limited to the categories of
34 noncitizens who would be eligible for the TANF programs but for their status as
35 aliens under PRWORA. Eligibility for the TANF program for these categories of
36 noncitizens must be determined using the criteria applicable to other recipients of
37 assistance from the TANF program. Any household receiving assistance as of
38 July 1, 2011 may continue to receive assistance, as long as that household
39 remains eligible, without regard to interruptions in coverage or gaps in eligibility

1 for service. A noncitizen legally admitted to the United States who is neither
2 receiving assistance on July 1, 2011 nor has an application pending for assistance
3 on July 1, 2011 that is later approved is not eligible for financial assistance
4 through a state-funded program unless that noncitizen is:

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

7 (b) A victim of domestic violence;

8 (c) Experiencing other hardship, such as time necessary to obtain proper
9 work documentation, as defined by the department by rule. Rules adopted by
10 the department under this division are routine technical rules as defined by
11 Title 5, chapter 375, subchapter 2-A; or

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

15 (3) To provide benefits to certain 2-parent families whose deprivation is based on
16 physical or mental incapacity;

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

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

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

36 (7) In determining benefit levels for TANF recipients who have earnings from
37 employment, the department shall disregard from monthly earnings the
38 following:

39 (a) One hundred and eight dollars percent of the gross earned income for the
40 first full month of employment and the next consecutive month of
41 employment, 75% of the gross earned income for the next 6 consecutive
42 months of employment, \$150 and 50% of the gross earned income for the
43 next 16 consecutive months of employment and \$108 and 50% of the

1 remaining gross earned income for each additional consecutive month of
2 employment thereafter;

3 ~~(b) Fifty percent of the remaining earnings that are less than the federal~~
4 ~~poverty level~~ For all other recipients with earnings from employment, \$108
5 and 50% of the remaining gross earned income; and

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

9 (7-A) In determining eligibility and benefit levels, the department may apply a
10 gross income test only to applicants and not to recipients;

11 (8) In cases when the TANF recipient has no child care cost, the monthly TANF
12 benefit is the maximum payment level or the difference between the countable
13 earnings and the standard of need established by rule adopted by the department,
14 whichever is lower;

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

21 (a) Before the first month in which child care assistance is available to an
22 ASPIRE-TANF recipient under this paragraph and periodically thereafter, the
23 department shall notify the recipient of the total benefit package and the
24 following options of the recipient: to receive the total benefit package
25 directly; or to have the department pay the recipient's child care assistance
26 directly to the designated child care provider for the recipient and pay the
27 balance of the total benefit package to the recipient.

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

31 (c) If an ASPIRE-TANF recipient does not respond or notifies the
32 department of the choice to have the child care assistance paid directly to the
33 child care provider from the total benefit package, the department shall pay
34 the child care assistance directly to the designated child care provider for the
35 recipient. The department shall pay the balance of the total benefit package
36 to the recipient;

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

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

