

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1408

S.P. 486

In Senate, April 11, 2017

**An Act To Establish an Independent Citizens Oversight Committee
on 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 Senator LIBBY of Androscoggin.
Cosponsored by Representative GATTINE of Westbrook and
Senators: BELLOWS of Kennebec, BREEN of Cumberland, CARPENTER of Aroostook,
JACKSON of Aroostook, VITELLI of Sagadahoc, Representative: GOLDEN of Lewiston.

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

2 **Sec. 1. 5 MRSA §12004-J, sub-§18** is enacted to read:

3 **18.**

4 Human Services Independent Not Authorized 22 MRSA §3110
5 Citizens Oversight
6 Committee

7 **Sec. 2. 22 MRSA §3109** is enacted to read:

8 **§3109. Promoting accountable public programs that reduce child poverty and**
9 **increase sustainable employment for individuals receiving public assistance**

10 The department shall implement a system of accountability measurements to
11 determine the performance of certain programs administered by the department under this
12 subtitle by examining the outcomes of families and individuals participating in those
13 programs on an annual basis in accordance with this section. These outcome measures
14 must provide the basis to measure over time the extent to which those programs have
15 alleviated poverty and hardship among children, families and individuals through
16 employment, education and training, individualized services for those with barriers to
17 employment and other services.

18 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
19 following terms have the following meanings.

20 A. "Automated client eligibility system" means the department's fully integrated
21 system for the coordination of all benefits eligibility programs.

22 B. "Federal poverty level" has the same meaning as in section 3762, subsection 1,
23 paragraph C.

24 C. "Food insecurity" means limited or uncertain availability of nutritionally adequate
25 and safe foods or limited or uncertain ability to acquire acceptable foods in socially
26 acceptable ways.

27 D. "TANF" means the Temporary Assistance for Needy Families program
28 established under chapter 1053-B.

29 **2. Child poverty measures.** The department shall obtain data on the following
30 outcomes for families in this State on an annual basis:

31 A. The percentage of households with dependent children living at or below 100% of
32 the federal poverty level;

33 B. The percentage of households with dependent children headed by single parents
34 living at or below 100% of the federal poverty level;

35 C. The percentage of households with dependent children living at or below 50% of
36 the federal poverty level;

37 D. The percentage of households with dependent children that are homeless;

1 E. The percentage of TANF participants with a high school diploma or general
2 equivalency diploma or the equivalent;

3 F. The percentage of TANF participants with a postsecondary degree or certificate;

4 G. The percentage of people experiencing food insecurity; and

5 H. The percentage of people experiencing very low food security as defined by the
6 United States Department of Agriculture.

7 **3. Employment and earnings measures.** The department shall obtain income,
8 earnings and other data required to determine outcomes pursuant to this section from its
9 automated client eligibility system as verified and supplemented from a quarterly wage
10 database compiled by the United States Department of Health and Human Services. The
11 department shall gather data on the following outcomes for all TANF cash assistance
12 cases that include an adult leaving TANF in each quarter during the state fiscal year:

13 A. The number and percentage of families with earnings in the 2nd and 4th quarters
14 of the fiscal year after leaving TANF;

15 B. The mean and median amount of earnings for families in the 2nd and 4th quarters
16 of the fiscal year after leaving TANF;

17 C. The number and percentage of families with earnings below 100%; between
18 100% and 150%; between 151% and 200%; and in excess of 200% of the federal
19 poverty level in the 2nd and 4th quarters of the fiscal year after leaving TANF;

20 D. For families that continue to participate in the statewide food supplement program
21 established pursuant to section 3104 or MaineCare, the number and percentage of
22 families with no income and those with income including, but not limited to, earnings
23 from employment below 50%; between 51% and 100%; between 101% and 150%;
24 and between 151% and 200% of the federal poverty level in the 2nd and 4th quarters
25 of the fiscal year after leaving TANF; and

26 E. For families with children under 5 years of age that continue to participate in the
27 statewide food supplement program established pursuant to section 3104 or
28 MaineCare, the number and share of families with no income and those with income
29 including, but not limited to, earnings from employment below 50% and between
30 51% and 100% of the federal poverty level.

31 **4. Benchmarks and goals established.** The department shall use the data gathered
32 pursuant to subsections 2 and 3 to establish benchmarks for earnings measures under
33 subsection 3, as well as goals for the department along with performance measures to
34 establish progress in meeting those goals. By January 15, 2018, the department shall
35 establish a performance baseline for each earnings measure under subsection 3.

36 **5. Report.** By January 30, 2019, and annually thereafter, the department shall report
37 the results of the benchmarks established pursuant to subsection 4 and the progress in
38 meeting goals in the preceding year to the joint standing committee of the Legislature
39 having jurisdiction over human services matters. If the department does not successfully
40 meet the goals, the department shall identify the factors that affected the ability to meet
41 those goals and provide a plan for overcoming the obstacles in order to meet the
42 benchmarks the following year. The department's plan must be reviewed by both the

1 Independent Citizens Oversight Committee established pursuant to section 3110 and the
2 joint standing committee of the Legislature having jurisdiction over human services
3 matters. The joint standing committee of the Legislature having jurisdiction over human
4 services matters may introduce legislation that it considers necessary to improve the
5 department's ability to meet its benchmarks and goals in the following year.

6 **Sec. 3. 22 MRSA §3110** is enacted to read:

7 **§3110. Independent Citizens Oversight Committee**

8 The Independent Citizens Oversight Committee, referred to in this section as "the
9 committee," is established to monitor the department's progress in establishing
10 benchmarks and progress in meeting goals as described in section 3109, subsection 4 and
11 to inform the public concerning the progress made by the department with regard to these
12 benchmarks and goals.

13 **1. Support.** The department shall provide the committee with the necessary
14 technical assistance, administrative assistance and resources to publicize the conclusions
15 of the committee.

16 **2. Information sharing.** The department shall provide the committee with
17 responses to all findings, recommendations and concerns addressed in the annual
18 independent report on progress made with respect to meeting benchmarks and goals
19 under subsection 5.

20 **3. Public meetings.** All meetings of the committee are open to the public and public
21 notice must be provided pursuant to Title 1, section 406.

22 **4. Membership.** The committee consists of at least 9 members who serve for a
23 minimum term of 2 years and for no more than 3 consecutive terms. Members may not
24 receive compensation. Members are appointed as follows:

25 A. A member active in a business organization representing the business community,
26 appointed by the President of the Senate;

27 B. A member representing a senior citizens organization, appointed by the President
28 of the Senate;

29 C. A member representing a charitable community foundation, appointed by the
30 President of the Senate;

31 D. A member representing an organization that represents the interests of persons
32 with disabilities, appointed by the President of the Senate;

33 E. A member representing a public postsecondary institution in this State, appointed
34 by the Speaker of the House of Representatives;

35 F. A member who is a parent or guardian of at least one minor child, appointed by
36 the Speaker of the House of Representatives;

37 G. A member representing a community social service organization, appointed by
38 the Speaker of the House of Representatives;

1 H. A member representing an organization that provides vocational or employment
2 services, appointed by the Speaker of the House of Representatives; and

3 I. A member representing an organization serving the community's health needs,
4 appointed by the Speaker of the House of Representatives.

5 Notwithstanding paragraphs D and G, a state employee or an official, vendor, contractor
6 or consultant of the State may not be appointed to the committee.

7 **5. Report.** By March 1, 2019, and annually thereafter, the committee shall provide a
8 report to the joint standing committee of the Legislature having jurisdiction over human
9 services matters on the department's progress in meeting benchmarks and goals
10 established in section 3109, subsection 4.

11 **SUMMARY**

12 This bill requires the Department of Health and Human Services to collect data
13 related to performance measures of the Temporary Assistance for Needy Families, or
14 TANF, program, including reducing child poverty and food insecurity and improving
15 educational attainment, employment and income levels. It also requires the department to
16 set benchmarks to measure improvement and success of the TANF program.

17 It establishes the Independent Citizens Oversight Committee to monitor the
18 Department of Health and Human Services' progress with respect to meeting benchmarks
19 for success of the TANF program.