

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1615

H.P. 1111

House of Representatives, May 18, 2017

**An Act To Facilitate Substance Abuse Treatment for Certain
Applicants for and Recipients of Temporary Assistance for Needy
Families Benefits**

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 SANDERSON of Chelsea. (GOVERNOR'S BILL)
Cosponsored by Representatives: GERRISH of Lebanon, GROHMAN of Biddeford,
MALABY of Hancock, O'CONNOR of Berwick, PIERCE of Dresden, STROM of Pittsfield.

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

2 **Sec. 1. 22 MRSA §3762, sub-§20**, as reallocated by RR 2011, c. 1, §33, is
3 amended to read:

4 **20. Denial of assistance based on positive drug test.** ~~A~~ An applicant for or a
5 recipient of TANF assistance may be denied TANF assistance as described in this
6 subsection.

7 A. The department ~~may administer a drug test to a recipient of TANF assistance who~~
8 ~~has been convicted of a drug-related felony, as described in Section 115 of~~
9 ~~PRWORA, within 20 years of that person's date of conviction shall require an~~
10 applicant for TANF assistance to complete a written screening tool to determine the
11 applicant's likelihood of current substance use.

12 B. If ~~a person~~ the result of a written screening tool completed by an applicant under
13 paragraph A tests positive for an illegal drug, the department shall notify that person
14 that or other factors create a reasonable suspicion by the department that the applicant
15 is using an illegal drug or abusing a controlled substance, then:

16 (1) The ~~person's~~ applicant's TANF assistance ~~is subject to termination~~
17 application must be denied unless the applicant enrolls in a substance abuse
18 treatment program appropriate to the type of illegal drug being used or the
19 controlled substance being abused by that applicant. The department shall
20 identify and approve an appropriate program and pay for the substance abuse
21 treatment program with available TANF program funds;

22 (2) The ~~person~~ applicant is entitled to a fair hearing regarding the ~~termination~~
23 denial of TANF assistance; and

24 (3) If the ~~person~~ applicant requests a fair hearing, the ~~person~~ applicant shall
25 submit to a ~~2nd~~ drug test ~~to verify the results of the first drug test.~~

26 C. The results of the ~~2nd~~ drug test must be available prior to the fair hearing, if
27 practicable. The ~~person~~ applicant shall cooperate in a timely manner in submitting to
28 the ~~2nd~~ drug test. If the ~~2nd~~ drug test confirms that the ~~person~~ applicant is using an
29 illegal drug or abusing a controlled substance, the ~~person~~ applicant may avoid
30 ~~termination denial~~ of TANF assistance by enrolling in a substance abuse treatment
31 program appropriate to the type of illegal drug being used or the controlled substance
32 being used abused by that ~~person~~ applicant, as described in paragraph B,
33 subparagraph (1).

34 D. If the department determines that, for good cause, ~~a person~~ an applicant is unable
35 to enroll in a substance abuse program as required by paragraph C, the ~~person~~ applicant
36 remains eligible for TANF assistance until such time that the department
37 determines that the person applicant is able to enroll in a substance abuse treatment
38 program.

39 E. The department shall ~~terminate deny~~ TANF assistance to ~~a person~~ an applicant
40 who fails to request a fair hearing and submit to a ~~2nd~~ drug test as described in
41 paragraph B or who fails to participate in a substance abuse treatment program as
42 required pursuant to paragraph C or D.

