

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1873

H.P. 1306

House of Representatives, March 22, 2018

An Act To Align State-funded Benefits with Federal Eligibility Standards

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative SANDERSON of Chelsea. (GOVERNOR'S BILL)

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

2 **PART A**

3 **Sec. A-1. 22 MRSA §3104-A**, as amended by PL 2013, c. 368, Pt. OO, §§1 and
4 2, is repealed.

5 **Sec. A-2. 22 MRSA §3273, sub-§9**, as enacted by PL 1997, c. 643, Pt. WW, §1,
6 is repealed.

7 **Sec. A-3. 22 MRSA §3762, sub-§3, ¶B**, as amended by PL 2017, c. 284, Pt.
8 NNNNNNN, §10 and c. 290, §1, is further amended to read:

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

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

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

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

32 ~~(b) A victim of domestic violence;~~

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

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

- 1 (3) To provide benefits to certain 2-parent families whose deprivation is based on
2 physical or mental incapacity;
- 3 (4) To provide an assistance program for needy children, 19 to 21 years of age,
4 who are in full-time attendance in secondary school. The program is operated for
5 those individuals who qualify for TANF under the United States Social Security
6 Act, except that they fail to meet the age requirement, and is also operated for the
7 parent or caretaker relative of those individuals. Except for the age requirement,
8 all provisions of TANF, including the standard of need and the amount of
9 assistance, apply to the program established pursuant to this subparagraph;
- 10 (5) To provide assistance for a pregnant woman who is otherwise eligible for
11 assistance under this chapter, except that she has no dependents under 19 years of
12 age. An individual is eligible for the monthly benefit for one eligible person if
13 the medically substantiated expected date of the birth of her child is not more
14 than 90 days following the date the benefit is received;
- 15 (6) To provide a special housing allowance for TANF families whose shelter
16 expenses for rent, mortgage or similar payments, homeowners insurance and
17 property taxes equal or exceed 50% of their monthly income. The special
18 housing allowance is limited to \$200 per month for each family. For purposes of
19 this subparagraph, "monthly income" means the total of the TANF monthly
20 benefit and all income countable under the TANF program, plus child support
21 received by the family, excluding the \$50 pass-through payment;
- 22 (7) In determining benefit levels for TANF recipients who have earnings from
23 employment, the department shall disregard from monthly earnings the
24 following:
- 25 (a) One hundred and eight dollars;
- 26 (b) Fifty percent of the remaining earnings that are less than the federal
27 poverty level; and
- 28 (c) All actual child care costs necessary for work, except that the department
29 may limit the child care disregard to \$175 per month per child or \$200 per
30 month per child under 2 years of age or with special needs;
- 31 (7-A) In determining eligibility and benefit levels, the department may apply a
32 gross income test only to applicants and not to recipients;
- 33 (7-B) In addition to the earned income disregards provided in subparagraph (7),
34 a TANF recipient who enters employment must receive a one-time employment
35 incentive payment of \$400 if that TANF recipient retains employment for the
36 subsequent 4 months after entering employment, to be paid at the end of that 4-
37 month period. This subparagraph is repealed December 31, 2018;
- 38 (8) In cases when the TANF recipient has no child care cost, the monthly TANF
39 benefit is the maximum payment level or the difference between the countable
40 earnings and the standard of need established by rule adopted by the department,
41 whichever is lower;

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

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

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

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

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

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

Sec. A-4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Food Supplement Administration Z019

Initiative: Reduces funding in the General Fund in the Food Supplement Administration program by eliminating state-funded Supplemental Nutrition Assistance Program benefits for noncitizens who do not meet federal eligibility requirements.

GENERAL FUND	2017-18	2018-19
All Other	\$0	(\$1,396,164)
GENERAL FUND TOTAL	\$0	(\$1,396,164)

State Supplement to Federal Supplemental Security Income 0131

1 Initiative: Reduces funding in the General Fund in the State Supplement to Federal
 2 Supplemental Security Income program by aligning state policy with federal policy and
 3 discontinuing state supplemental income cash benefits for noncitizens beyond the level of
 4 support the Federal Government already provides.

5	GENERAL FUND	2017-18	2018-19
6	All Other	\$0	(\$1,435,038)
7			
8	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$1,435,038)</u>

9 **Temporary Assistance for Needy Families 0138**

10 Initiative: Reduces funding in the General Fund in the Temporary Assistance for Needy
 11 Families program by discontinuing the award of state-funded Temporary Assistance for
 12 Needy Families benefits to noncitizens beyond the level of support the Federal
 13 Government provides.

14	GENERAL FUND	2017-18	2018-19
15	All Other	\$0	(\$799,517)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$799,517)</u>

18	HEALTH AND HUMAN SERVICES,		
19	DEPARTMENT OF		
20	DEPARTMENT TOTALS	2017-18	2018-19
21			
22	GENERAL FUND	(\$0)	(\$3,630,719)
23			
24	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$0)</u>	<u>(\$3,630,719)</u>

25 **PART B**

26 **Sec. B-1. 22 MRSA §4301, sub-§3**, as amended by PL 2015, c. 324, §1, is
 27 further amended to read:

28 **3. Eligible person.** "Eligible person" means a person who is qualified to receive
 29 general assistance from a municipality according to standards of eligibility determined by
 30 the municipal officers whether or not that person has applied for general assistance.
 31 "Eligible person" does not include a person who is a fugitive from justice as defined in
 32 Title 15, section 201, subsection 4 and does not include noncitizens who are not eligible
 33 for federal benefits pursuant to 8 United States Code, Sections 1621 and 1641. Beginning
 34 July 1, 2015, in accordance with 8 United States Code, Section 1621(d), "eligible person"
 35 means a person who is lawfully present in the United States or who is pursuing a lawful
 36 process to apply for immigration relief, except that assistance for such a person may not
 37 exceed 24 months.

