

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

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AS PASSED AT THE
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1987

5. Adoption of rules. In addition to the criteria defined in subsections 3 and 4, the department may adopt rules pursuant to chapter 375 to develop additional criteria for the selection of recipients of economic growth corridor action grants. These rules shall consider the following:

- A. The degree of need for grants;
- B. The degree of matching funds to be provided by a municipality or region whenever applicable;
- C. The priority of projects for the area;
- D. The priority of the area with respect to other corridors.

6. Coordination. The department shall coordinate the grants made under this article with all other community assistance grants administered by the department and with other state assistance programs designed to accomplish similar objectives, including those administered by the Department of Educational and Cultural Services, the Department of Transportation and the Department of Environmental Protection.

7. Funds. All grants provided pursuant to this section shall be made from any funds available for the purpose of the program to include federal funds, bond proceeds, General Fund appropriations, private money and any other available funds.

8. Report to the Legislature. The department shall annually report in writing and in person to the joint standing committee of the Legislature having jurisdiction over economic development no later than the 2nd Wednesday in February with respect to the implementation of this section. This report, at a minimum shall include:

- A. The economic growth corridors that have been awarded grants;
- B. The projects and the costs of the projects for which the grants have been awarded;
- C. The estimated impact of the projects on the municipality and the corridor;
- D. Applications for grants that were denied including the projects proposed in these applications and the reasons for the denial; and
- E. A summary of the hearings held pursuant to subsection 4, including a copy of the final rules.

Effective August 4, 1988.

CHAPTER 856

H.P. 1744 — L.D. 2390

AN ACT to Establish the Additional Support for People in Retraining and Education Program.

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

Sec. 1. 22 MRSA §3106 is enacted to read:

§3106. Telephone subsidies

The department may participate in the determination of eligibility for various subsidies of telephone costs for low-income people as established by the Public Utilities Commission pursuant to Title 35-A, section 7101.

Sec. 2. 22 MRSA §§3741-A and 3741-B are enacted to read:

§3741-A. Recipients with children 3 years of age and older

The department may seek a waiver from the United States Department of Health and Human Services to establish special eligibility requirements for assistance under this chapter to require participants with children 3 years of age and older to register for the Additional Support for People in Retraining and Education Program established in chapter 1054-A. The eligibility requirements under this waiver shall provide that:

1. Current exemptions. No recipient may be required to register who would otherwise be exempt from registration under the United States Social Security Act, United States Code, Title 42, Section 602, Subsection 19 and regulations promulgated pursuant thereto;

2. Child with special needs. No recipient may be required to participate who has a child with special needs. A child with special needs means a child who has needs, professionally documented, related to physical disabilities, mental illness, mental retardation, developmental delays or disabilities, or emotional or behavioral problems; and

3. Voluntary participants given priority. No recipient may be required to participate until sufficient resources are assured within any quarterly period for voluntary participants who are in the program. This policy may be implemented on a regional basis.

§3741-B. Teenage parents

Teenage parents may be required to register in a program administered by the department specifically designed to encourage completion of education and enhance self-sufficiency.

Failure to register and actively participate in this program may not result in ineligibility for benefits under this chapter, except that any supplemental support services, such as child care and transportation, may be withheld until the teenage parent actively participates in the required program.

Sec. 3. 22 MRSA §§3760-A and 3760-B are enacted to read:

§3760-A. Assistance to first-time pregnant women

Any first-time pregnant woman who is otherwise eligible for assistance under this chapter, except that she has no dependents under the age of 18 years is eligible for the monthly benefit for one eligible person if the medically substantiated expected date of the birth of her child is not more than 90 days following the date the benefit is received. This section shall take effect January 1, 1989.

§3760-B. Notification to the Legislature

The department shall notify the joint standing committee having jurisdiction over human resources of any request for waivers from the United States Department of Health and Human Services or any other federal agency concerning the implementation of chapters 1053, 1053-A, 1054, and 1054-A.

Sec. 4. 22 MRSA §3773, sub-§3, ¶F, as repealed and replaced by PL 1983, c. 730, §5, is amended to read:

F. Ensuring that there is substantial coordination between the Welfare Employment, Education and Training Program and the Federal Job Training Partnership Act or its successors in the operation of the Additional Support for People in Retraining and Education Program; and

Sec. 5. 22 MRSA §3776, sub-§3, ¶A, as amended by PL 1983, c. 730, §7, is further amended to read:

A. The assessment procedure for each registrant shall be accomplished through direct personal contact with staff of the Welfare Employment, Education and Training program or by contract with the job training program established in Title 26, chapter 25. The assessment procedure shall be jointly monitored and evaluated by the Department of Human Services and the Department of Labor. The staff shall be advised by the Department of Educational and Cultural Services of all available education and training opportunities, and shall make that information available to each registrant during the assessment process.

Sec. 6. 22 MRSA §3776, sub-§5 as amended by PL 1981, c. 617, §4, is further amended to read:

5. Supportive services. Each registrant shall receive the supportive and manpower services, including respite care, necessary to participate successfully in any education, training and employment program in accordance with the registrant's employability plan.

Sec. 7. 22 MRSA c. 1054-A is enacted to read:

CHAPTER 1054-A

ADDITIONAL SUPPORT FOR PEOPLE IN RETRAINING AND EDUCATION PROGRAM

§3781. Additional Support for People in Retraining and Education Program established

1. Administration. The Additional Support for People in Retraining and Education Program shall be administered by the Department of Human Services and jointly operated by the Department of Human Services, the Department of Labor and other state agencies having responsibilities relating to the goals of this program. The Department of Human Services may contract with the Department of Labor to implement this program in selected areas of the State.

2. Purpose. The purpose of this program is to provide services and support to recipients of Aid to Families with Dependent Children and food stamps and to reduce dependence on public assistance. The principal goal shall be to assist the recipient in securing stable employment which pays wages sufficient to maintain adequate family income without public assistance and to increase the basic life skills and self-confidence of the recipient.

3. Contract. The department and the client shall enter into a contract to embody the goals of the client and the services and support of the program.

§3782. Program

1. Services and support. Services and support shall include those which are provided under chapter 1053, Aid to Dependent Children; chapter 1054, the Job Opportunities Act of 1981; Title 20-A, chapter 315, Adult Education; Title 20-A, chapter 431, Maine Vocational-Technical Institute System; Title 26, chapter 21, the Displaced Homemakers Act; and Title 26, chapter 25, the Job Training Partnership Act.

2. Responsibilities. The program shall be jointly operated by the Department of Labor and the Department of Human Services.

A. In areas where the Department of Human Services and the Department of Labor jointly provide service, the Department of Human Services is responsible for coordinating the following functions: Identification of the program participant's pre-training needs; provisions of pre-vocational training as it relates to social development and life skills adjustment; provision of support services; and case management services for the participant's period of enrollment. The Department of Labor is responsible for coordinating the following functions: Identification of training needs; provision of pre-vocational training as it relates to employability development; provision of skills training; provision of access to education; and job placement.

B. In areas where the Department of Human Services contracts with the Department of Labor, all the

functional responsibilities referenced in paragraph A shall be assumed by the Department of Labor's job training program established pursuant to Title 26, chapter 25.

§3783. Transitional support services

The Department of Human Services shall establish a program to provide transitional support services, including transportation, respite care and other child care services, to former recipients of the Aid to Families with Dependent Children program who have become ineligible for services under that program because of earnings from employment obtained as a result of participation in the Additional Support for People in Retraining and Education Program. Transitional support services may be available to families for up to 12 months beginning with the month in which such ineligibility begins and shall be available only in the months in which the caretaker relative is employed.

Child care provided pursuant to this section must meet minimum standards of health and safety required by state law.

§3784. Medical assistance program

1. Program established, eligibility. The department may provide extended medical assistance to former recipients of the Aid to Families with Dependent Children Program who have become ineligible for financial assistance under that program because of earnings from employment obtained as a result of participation in the Additional Support for People in Retraining and Education Program. Families with gross monthly income equaling more than 150% of the federal poverty income guidelines shall be ineligible for extended medical assistance under this section.

2. Duration and scope of coverage. The extended medical assistance shall be limited to 12 months beginning with the month in which ineligibility begins and shall be provided only in months in which the caretaker relative is employed. The scope and amount of medical assistance provided under this section shall be the same as if the family were receiving cash assistance under the Aid to Families with Dependent Children program.

3. Coverage provided by private insurers. The department may pay a family's expense for premiums, deductibles, copayments or similar costs for health insurance or other health coverage available from any insurer authorized to write insurance in this State, offered by the employer of a caretaker relative, or available from some other program providing medical coverage if doing so would be more cost effective. In the event that the department chooses to purchase coverage for the participant, the family is nevertheless eligible for the full extent of medical assistance coverage provided in subsection 2.

4. Adoption of Medicaid option. The department

shall adopt the 6-month extension of Medicaid available to states under the United States Social Security Act, United States Code, Title 42, Section 602(a)(37).

5. Payment requirements. No family receiving extended medical assistance under this section whose gross monthly income equals or is less than 110% of the federal poverty income guidelines established as required by the United States Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, Sections 652 and 673 (2), shall be required to pay any premium, deductible, copayment or similar charge for such assistance.

Families with gross monthly income over 110%, but no more than 150%, of the federal poverty income guidelines shall pay a monthly premium for such assistance in accordance with a graduated scale. The average payment under the graduated scale shall be \$28.00 per month.

6. Third party liability. The department shall seek reimbursement from any 3rd parties who are liable to pay for medical care and services available under this section in all cases where the amount of reimbursement the State can reasonably expect to recover exceeds the costs of such recovery.

7. Effective date, sunset. Notwithstanding any other provision of law, this section shall take effect on January 1, 1989 and shall be repealed on June 30, 1989.

§3785. Sanctions

No recipient may be sanctioned under this program or Aid to Families with Dependent Children for failure to participate in the Additional Support for People in Retraining and Education Program if that failure to participate is based on good cause. Good cause for failure to participate in this program shall be found when there is reasonable and verifiable evidence of:

1. Illness or incapacitation. Illness or incapacitation, verified by a physician, upon request by the department;

2. Sexual harassment. Sexual harassment;

3. Court-required appearance; incarceration. Court-required appearance or incarceration;

4. Lack of supportive services. Lack, or breakdown, of necessary supportive services such as child care or transportation with no alternatives available;

5. Inclement weather. Inclement weather which prevents the work registrant from traveling to an activity when the weather is severe enough to prevent other registrants from traveling to the same activity;

6. Assignment to another activity. Assignment by the department to an activity or component or another activity required by the department which has not been made part of the employability development plan;

7. Relocation. Participation which requires the registrant to relocate outside the registrant's immediate geographic area;

8. Crises or special circumstances. Any crises or special circumstances which arise that cause a registrant to be absent from or discontinue any department activity about which the department has been advised and has determined to constitute good cause; or

9. Good cause. Any reason found to be good cause by the Department of Human Services.

§3786. Rules

The department shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 for the implementation of this chapter.

Rules governing services provided under this chapter shall apply equally to all participating Aid to Families with Dependent Children recipients, whether those services are provided by the Department of Human Services or the Department of Labor.

§3787. Availability of funds

Nothing in this chapter may be construed to mean that any department, agency, institution or program shall be required to obligate or expend funds beyond existing funds available to them for these purposes.

Sec. 8. 26 MRSA §2013, sub-§9-A is enacted to read:

9-A. Coordination with the Additional Support for People in Retraining and Education Program. Coordination with the Additional Support for People in Retraining and Education Program established in Title 22, chapter 1054-A.

Sec. 9. Report. The Department of Human Services and the Department of Labor shall jointly submit a report to the Joint Standing Committee on Human Resources on or before February 14, 1990.

The report shall contain an analysis and evaluation of the implementation of the Additional Support for People in Retraining and Education Program, presented separately for teens and adults, including, but not limited to:

1. The number of registrants and participants, both voluntary and mandatory;

2. The average wage and medical benefit status upon job placement;

3. The average wage and medical benefit status 12 months after job placement;

4. The number of participants placed in full-time employment and part-time employment;

5. The number of individuals whose medical assistance benefits are fully paid, partially paid or not paid at all;

6. The numbers and percentages of individuals who receive the following services: Remedial education, General Education Degree preparation, on-the-job training, skills training and post-secondary education in both 2-year and 4-year programs. These numbers and percentages shall be reported separately for programs in the colocated and contract areas;

7. The degree of client satisfaction, reported separately for the colocated and contract areas;

8. Number of direct service staff leaving the agency in colocated and contracted areas;

9. Percentage of registrants sanctioned resulting in the loss of benefits, reported separately for programs in the colocated and contract areas;

10. Placements by occupational title, as defined by the United States Department of Labor, Dictionary of Occupational Titles, reported separately for programs in colocated and contract areas;

11. Description of the service providers under the Additional Support for People in Retraining and Education Program;

12. Number of people not completing the Additional Support for People in Retraining and Education Program and an analysis of the reasons for noncompletion;

13. The educational attainment of each participant while participating in the Additional Support for People in Retraining and Education Program; and

14. Description of the experience of the Resource Recovery Unit, formerly Fraud Unit, and the Child Support Enforcement Unit, paying particular attention to the cost-effectiveness of the additional staff.

Sec. 10. Repeal. This Act shall be repealed on July 1, 1990.

Effective August 4, 1988.

CHAPTER 857

H.P. 1952 — L.D. 2645

AN ACT to Clarify Milk Pricing Laws as They Relate to Over-Order Premiums.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the credits issued by the Regional Coopera-