

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

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PUBLISHED BY THE REVISOR OF STATUTES
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J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

S. One member representing hospitals from nominees submitted by the Maine Hospital Association;

T. One member representing public health professionals from nominees submitted by the Maine Public Health Association;

U. One infection control practitioner from nominees submitted by the Maine Council for Infection Control Practitioners;

V. One person from nominees submitted by the Maine Human Rights Commission;

W. One substance-abuse counselor appointed by the Director of the Office of Substance Abuse;

X. One member of the clergy from nominees submitted by the Maine Council of Churches;

Y. One representative of AIDS service providers from nominees submitted by the Maine AIDS Alliance;

Z. One family planning service provider from nominees submitted by the Family Planning Association of Maine;

AA. One women's health advocate from nominees submitted by the Maine chapter of the National Organization of Women;

BB. One representative from the American Red Cross from nominations submitted by the American Red Cross State Service Council;

CC. The Commissioner of Human Services or the commissioner's designee, who serves during the commissioner's term of office;

DD. One human resources manager from the private sector from nominations submitted by the Maine Chamber of Commerce and Industry; and

EE. Two Legislators, one Senator appointed by the President of the Senate and one member of the House of Representatives appointed by the Speaker of the House of Representatives.

The members, except for those specifically designated in paragraphs W, CC and EE, must be appointed by the Governor for their competence and experience in connection with these fields, and the field of HIV disease.

3. Terms; compensation. The term of office of each member is 3 years; except that of the members first appointed, 1/3 must be appointed for a term of one year, 1/3 for a term of 2 years and 1/3 for a term of 3 years; the Commissioner of Human Services or the commissioner's designee serves during the commissioner's term of of-

fine; and Legislators serve during the term for which they were elected. The Governor shall designate a chair and vice-chair to serve at the pleasure of the Governor. The chair is the presiding member of the committee. All vacancies must be filled for the balance of the unexpired term in the same manner as original appointments. The members of the committee are entitled to compensation in accordance with chapter 379.

4. Meetings. The committee shall meet at least 4 times a year and more frequently if needed to respond to the duties of this committee as specified in subsection 1. Special meetings may be called by the chair and must be called at the request of the State Epidemiologist, the Director of the Bureau of Health, the Director of Disease Control, the Director of Sexually Transmitted Diseases or by 3 or more members of the committee.

5. Annual program and budget review. The committee shall make an annual assessment of the policies, programs and budget proposals related to HIV of state agencies and may make recommendations related to those policies, programs and budgets.

6. Committee may accept funds. The committee may vote to accept or refuse gifts, grants or other funding that may be offered to the committee.

See title page for effective date.

CHAPTER 385

H.P. 1118 - L.D. 1513

An Act Regarding Welfare Reform

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

Sec. 1. 5 MRSA §1549 is enacted to read:

§1549. Contractors to notify State of job openings

The Department of Administrative and Financial Services, Bureau of Accounts and Control, shall ensure that a contract with a nonstate contractor that is approved under section 1541 requires the contractor to notify the Additional Support for People in Retraining and Education Program within the Department of Human Services when the contractor has an employment opening for which members of the public may apply.

Sec. 2. 5 MRSA §7054-A is enacted to read:

§7054-A. Access to register for ASPIRE-JOBS participants

In making referrals to a position on an open competitive basis in the classified service, preference must be

given to ASPIRE-JOBS participants as set forth in this section.

1. Eligibility. Candidates must be active participants of the ASPIRE-JOBS Program, as defined in Title 22, chapter 1054-A, or current recipients of Aid to Families with Dependent Children who have completed the ASPIRE-JOBS Program within the past year at the time an application for employment is filed with the Bureau of Human Resources in order to be eligible for preference under this section. Candidates shall make their status in the ASPIRE-JOBS Program known to the Director of Human Resources in a manner prescribed by the director. Eligibility for preference continues for a period of one year after the date of application for employment and may be renewed at the end of one year at the request of the candidate if the candidate continues to meet the other eligibility criteria specified in this subsection. A candidate receives preference only if the candidate has earned a qualifying rating on all relevant examinations.

2. Certification preference. Preference is limited to referral of the highest scoring ASPIRE-JOBS Program participant as an additional candidate to be interviewed. If the normal certification procedure includes an eligible ASPIRE-JOBS Program participant, further preferential certification may not be made. Preference under this section may not exclude a person who would be referred normally.

Sec. 3. 22 MRSA §3741-A, as amended by PL 1991, c. 591, Pt. F, §1, is further amended 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 A recipient may not be required to register for the ASPIRE-JOBS Program 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 A recipient may not be required to participate in the ASPIRE-JOBS Program 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.~~

Sec. 4. 22 MRSA §3741-B, as amended by PL 1991, c. 591, Pt. F, §2, is repealed.

Sec. 5. 22 MRSA §3741-C, as amended by PL 1991, c. 591, Pt. F, §3, is further amended to read:

§3741-C. Education, training or employment participation requirements

Beginning October 1, 1990, all recipients of federal Aid to Families with Dependent Children are required to participate in an education, training or employment program in accordance with the mandatory participation provisions of the federal Family Support Act of 1988, Public Law 100-485, ~~except that:~~ as amended.

1. General requirement. A recipient of federal Aid to Families with Dependent Children is not required to participate in an education, training or employment activity as a condition of eligibility for federal Aid to Families with Dependent Children, if that person is the parent or other relative of a child under 3 years of age who is personally providing care for that child;

2. Families eligible for federal Aid to Families with Dependent Children by reason of unemployment. If a family is eligible for federal Aid to Families with Dependent Children by reason of the unemployment of the parent who is the principal wage earner:

A. One parent is eligible to be excused from mandatory participation based on the age of the child; and

B. A parent who is under 25 years of age and who has not completed high school or an equivalent course of education ~~shall~~ must be given the choice of participating in educational activities directed at the attainment of a high school diploma, or its equivalent, in lieu of other required activities; ~~and.~~

3. Custodial parents under 20 years of age. ~~When an appropriate program is available in the part of the State involved and resources permit, a A custodial parent who has not attained 20 years of age and who has not successfully completed a high school education, or its equivalent, is required by the department to participate in an educational activity, except that:~~

A. A person personally providing care for a child under 6 years of age; is not required to ~~participate~~ accept employment for more than 20 hours a week;

B. The department must establish criteria under which custodial parents who have not attained 18 years of age are exempt from the school attendance requirement; and

C. ~~If appropriate, A custodial parents parent who are 17 is 18 or 18 19 years of age may be required to seek and accept employment; and if:~~

(1) That parent fails to make good progress in successfully completing educational activities; or

(2) Prior to that parent being assigned to educational activities, the department determines that participation in educational activities is inappropriate for that parent, based on an educational assessment and the employment goal established in the individual's employability plan.

~~D. A person eligible under this subsection may not be required to seek or accept employment in lieu of participating in a training or work activity.~~

Sec. 6. 22 MRSA §3741-E, sub-§§2 and 3, as amended by PL 1991, c. 591, Pt. F, §4, are further amended to read:

2. Mandatory participation to meet federal mandates. Recipients of federal Aid to Families with Dependent Children who do not volunteer may be required to participate in the ASPIRE-JOBS ~~program~~ Program only in order to meet the federal participation requirements necessary to receive enhanced federal matching funds under the federal Family Support Act of 1988, Public Law 100-485, or its successor.

3. Voluntary participation when federal mandates are exceeded. Recipients of federal Aid to Families with Dependent Children who volunteer regardless of their JOBS target status to participate in the ASPIRE-JOBS ~~program~~ Program must be given priority for program services.

Sec. 7. 22 MRSA §3741-E, sub-§4, as enacted by PL 1991, c. 591, Pt. F, §4, is amended to read:

4. Order of service. Recipients of federal Aid to Families with Dependent Children who volunteer for the ASPIRE-JOBS ~~program~~ Program must be served in order of date of participation in ASPIRE-JOBS ~~program~~ Program orientation in accordance with this section; except that nothing in this section prohibits the department from making use of services for volunteers when the ASPIRE-JOBS ~~program~~ Program matching expenditure for that service is available from another bureau or agency or the service is available at no cost to the ASPIRE-JOBS ~~program~~ Program. Any such service must be offered to participants in order of the date of their participation in ASPIRE-JOBS ~~program~~ Program orientation.

Sec. 8. 22 MRSA §3741-E, sub-§5 is enacted to read:

5. Exception. Notwithstanding subsection 4, the department may use up to 20% of ASPIRE-JOBS Program funds to serve persons regardless of their date of participation in the ASPIRE-JOBS Program orientation.

The department may also use ASPIRE-JOBS Program funds to serve persons regardless of their date of participation in the ASPIRE-JOBS Program orientation when other organizations or agencies provide benefits to that participant that are equal to or greater than the value of services that the person is eligible to receive under the rules of the ASPIRE-JOBS Program. This subsection is repealed June 30, 1994.

Sec. 9. 22 MRSA §3741-G, first ¶, as enacted by PL 1989, c. 839, §1 and affected by §15, is amended to read:

The department shall administer a program of extended eligibility for medical assistance in accordance with the federal Family Support Act of 1988, Public Law 100-485, as amended, subject to the following.

Sec. 10. 22 MRSA §3741-H, as amended by PL 1991, c. 591, Pt. F, §6, is further amended to read:

§3741-H. Child care during participation in employment, education and training

The department shall provide child care in accordance with the federal Family Support Act of 1988, Public Law 100-485, as amended, when the child care is necessary to permit a federal Aid to Families with Dependent Children eligible family member to participate in ~~an~~ the ASPIRE-JOBS component as defined in the Title IV-A JOBS State Plan Program.

The department shall provide an ASPIRE-JOBS ~~program~~ Program participant's actual cost for child care up to the maximum rate authorized by federal law. In determining the maximum rate, the State shall use a method that results in an amount that equals, or most closely approaches, the actual market rate in different regions of the State for various types of child care services received by families in the State participating in the ASPIRE-JOBS ~~program~~ Program.

Sec. 11. 22 MRSA §3741-I, sub-§1, ¶¶A and C, as enacted by PL 1991, c. 591, Pt. F, §7, are amended to read:

A. Provide for the actual cost of child care, less participant contribution, up to the maximum allowable rate established in section 3741-H for a period of 12 months in accordance with the federal Family Support Act of 1988, Public Law 100-485, as amended;

C. Require contribution by the participant toward the cost of that care. ~~Families~~ A family with household income that equals or is less than ~~±25%~~ 133% of the federal poverty level ~~are~~ is responsible for contributing \$1.00 per child per week ~~toward~~ towards that family's child care ~~expense~~ expenses. ~~Families~~ A family with household income in ex-

cess of ~~125%~~ 133% of the federal poverty level ~~are~~ is responsible for contributing ~~2%~~ 3% of the household income toward the cost of that family's child care ~~expense expenses~~. The family's contribution may be waived, except for a nominal amount, when additional child care assistance is necessary to assist the family in maintaining employment during the transitional period authorized by this section.

Sec. 12. 22 MRSA §3741-I, sub-§2, as enacted by PL 1991, c. 591, Pt. F, §7, is amended to read:

2. Transitional transportation services. The department shall provide limited transitional transportation benefits to meet employment-related costs to ASPIRE-JOBS ~~program~~ Program participants who have lost eligibility for Aid to Families with Dependent Children benefits due to employment. Benefits must be provided for 90 days following loss of Aid to Families with Dependent Children eligibility. The department may adopt regulations that impose a weekly limit on available transitional transportation benefits and require a contribution from each participant toward the cost of transportation.

Sec. 13. 22 MRSA §3741-J is enacted to read:

§3741-J. Mutual agreement

During the ASPIRE-JOBS referral process, a representative of the department and each individual who is determined to be a mandatory participant under 42 United States Code, Section 602(a)(19) or who volunteers to participate in the ASPIRE-JOBS Program shall sign a form, referred to as a mutual agreement. The mutual agreement must outline the requirements of the individual to participate in the ASPIRE-JOBS Program when the program is able to provide services necessary for the individual to participate in that individual's employability plan.

Sec. 14. 22 MRSA §§3760-G and 3760-H are enacted to read:

§3760-G. Earned income tax credit

The department shall advise applicants and recipients of Aid to Families with Dependent Children regarding the federal earned income tax credit, including the opportunity to receive it as an advanced payment.

§3760-H. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. ASPIRE Program. "ASPIRE Program" means the Additional Support for People in Retraining and Education Program established pursuant to chapter 1054-A.

2. ASPIRE-JOBS Program. "ASPIRE-JOBS Program" means the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program established pursuant to chapter 1054-A and the federal Family Support Act of 1988, Public Law 100-485, as amended.

Sec. 15. 22 MRSA §3781, as amended by PL 1991, c. 622, Pt. M, §19, is repealed.

Sec. 16. 22 MRSA §3781-A is enacted to read:

§3781-A. Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program established

1. ASPIRE-JOBS Program defined. "ASPIRE-JOBS Program" means the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program established pursuant to this chapter and the federal Family Support Act of 1988, Public Law 100-485, as amended.

2. Administration. The ASPIRE-JOBS Program is established. The department shall administer the program.

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

4. Limitation or reduction of services when resources inadequate. The department shall adopt rules in accordance with the Maine Administrative Procedure Act that include methods for limiting or reducing services when adequate resources are not available.

Sec. 17. 22 MRSA §3782-A, as enacted by PL 1991, c. 9, Pt. M, §7, is repealed and the following enacted in its place:

§3782-A. ASPIRE-JOBS Program

1. Case management services. The department shall provide case management services to individuals participating in the ASPIRE-JOBS Program. The department shall adopt rules in accordance with the Maine Administrative Procedure Act defining or describing those services.

2. Purchase of services. The department may contract with public and private agencies and individuals to deliver employment, training and other services for program participants consistent with the purposes of the program.

Program funds may not be used to purchase services from an agency under this subsection that are available on a nonreimbursable basis, if those nonreimbursable services meet the needs of a program participant.

3. Monitoring of contract agencies. If the department contracts for the provision of program services under this section, it shall monitor each contract agency at least annually to ensure compliance with sections 3786 and 3788 to ensure compliance with the contracts entered into by the parties and to ensure that quality services are provided for program participants. The department shall adopt rules in accordance with the Maine Administrative Procedure Act by which satisfactory performance is measured. The rules must identify the circumstances under which sanctions, including contract suspension, reduction or termination, are applied.

4. Rural access. The department shall adopt rules in accordance with the Maine Administrative Procedure Act to provide access to Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program services for recipients of Aid to Families with Dependent Children living in rural areas. Services must be provided on an equitable basis throughout the State. Access to these services may be reasonably limited by the department due to factors such as availability of staff and funding. The rules adopted by the department must include, in addition to other methods necessary to achieve this goal, adequate provisions for itinerant service stationing.

Sec. 18. 22 MRSA §3785, as amended by PL 1991, c. 591, Pt. F, §12, is further amended to read:

§3785. Sanctions

~~A recipient~~ An individual may not 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~~ ASPIRE-JOBS Program if that failure to participate is based on good cause. Good cause for failure to participate in this program must be found when there is reasonable and verifiable evidence of:

1. Illness or incapacitation. The ~~participant's~~ individual's illness, incapacity or advanced age, or ~~of the~~ illness or incapacity of a household member, that requires the participant individual to provide care in the home;

2. Sexual harassment. Sexual harassment at an ASPIRE a program-approved component;

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

4. Lack of supportive services. Lack; or break-down; of necessary supportive services such as child care

or transportation with no appropriate alternatives available;

5. Inclement weather. Inclement weather ~~which~~ that prevents the ~~work registrant~~ individual from traveling to an activity when the weather is severe enough to prevent other ~~registrants~~ individuals 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~~ that has not been made part of the individual opportunity service contract;

7. Remoteness. Participation ~~which~~ that requires the ~~registrant individual~~ individual to travel outside the ~~registrant's~~ individual's immediate geographic area, defined as an area within a 2-hour round trip commute;

8. Crisis or special circumstance. ~~Any crises~~ A crisis or special ~~circumstances~~ circumstance that ~~arise~~ causing a registrant causes an individual to be absent from or discontinue ~~any~~ a department activity about which the department has been advised and has determined to constitute good cause;

10. Caretakers of children under 6 years of age. Assignment by the department to an activity that would require the ~~registrant individual~~ individual to work more than 20 hours per week, if the ~~registrant individual~~ individual is a parent or relative personally providing care for a child under 6 years of age;

11. Net loss of cash income. Employment resulting in the family of the ~~participant individual~~ individual experiencing a net loss of cash income; or

12. Other good cause. Any other reason resulting in failure to participate that is beyond the control of the ~~participant individual~~ individual or that a reasonable person would determine to be good cause.

Sec. 19. 22 MRSA §3786, as amended by PL 1991, c. 9, Pt. M, §8, is further amended to read:

§3786. Rules

The department shall ~~promulgate~~ adopt 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 apply equally to all participating Aid to Families with Dependent Children recipients, whether those services are provided by the Department of Human Services, ~~the Department of Labor~~ or any other agency, organization or individual providing ASPIRE-JOBS Program services to ~~Additional Support for People in Retraining and Education~~ program participants.

Sec. 20. 22 MRSA §3787, as enacted by PL 1987, c. 856, §7, is amended to read:

§3787. Availability of funds

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

Sec. 21. 22 MRSA §3788, as amended by PL 1991, c. 591, Pt. F, §§13 and 14, is further amended to read:

§3788. Program requirements

1. Notice of program assistance. The department shall provide written notice to all applicants for and recipients of the Aid to Families with Dependent Children program of the range of education, employment and training opportunities, and the types of support services, including transitional support services and medical assistance, available under the ~~Additional Support for People in Retraining and Education program~~ ASPIRE-JOBS Program, together with a statement that all participants may ~~make application~~ apply for such those opportunities and services.

2. Application; decision. Notwithstanding any provision contained in an employability development plan, all participants must be given the opportunity to apply for any education, training and support services at the office of the program provider serving the area in which that individual lives. ~~A participant may not be discouraged from applying for the full range of ASPIRE-JOBS program services.~~ The program provider shall issue a written decision promptly, in accordance with rules adopted by the department, on all applications and shall include the type and amount of assistance that has been authorized or denied. The participant must be given in writing the reasons and specific rules supporting that denial and an explanation of the individual's right to request a conciliation meeting, a fair hearing, or both. For the purposes of this subsection, "participant" means a recipient of Aid to Families with Dependent Children who has completed the ASPIRE-JOBS Program orientation and has been informed by the department that funds are available to provide ASPIRE-JOBS Program services to the recipient.

3. Assessment. Each participant's case manager shall conduct an individualized assessment, ~~including a personal meeting~~, to determine that individual's education ~~and, training and employment needs and occupational goal~~ in accordance with the federal Family Support Act of 1988, Public Law 100-485, as amended. ~~Literacy testing and basic assessment tools may be part of an individual's original assessment, if the case manager determines that it is necessary or the participant requests it.~~ A participant shall be provided a more comprehen-

sive assessment, including such instruments as a self-assessment survey, or literacy or vocational testing, only when a determination as to training needs and occupational goal cannot reasonably be made without further assessment.

4. Employability plan. An employability plan shall must be adopted in accordance with the Family Support Act of 1988, Public Law 100-485, as amended, for each individual who has completed an ASPIRE-JOBS Program orientation program participant which shall include that individual's education, training and employment plan and the support services necessary to participate in that plan. The participant's first employability plan shall be established promptly, in accordance with rules adopted by the department. The rules shall provide for an expedited procedure for the development of an employability plan when necessary to meet the participation or enrollment requirements of an educational institution or training program.

4-A. Individual opportunity service contract. To the extent that sufficient funds, training sites and employment opportunities are reasonably available, the department and a participant in the program shall enter into an individual opportunity service contract that reflects, to the maximum extent possible, the preference of the participant and the services offered by the program. The individual opportunity service contract must include the individual's education, training and employment plan and the support services necessary to participate in that plan in accordance with the federal Family Support Act of 1988, Public Law 100-485, as amended. The participant's first individual opportunity service contract must be established promptly in accordance with rules adopted by the department. The rules must provide for an expedited procedure for the development of the individual opportunity service contract when necessary to meet the participation or enrollment requirements of an educational institution or training program.

5. Provision of support services. Beginning January 1, 1990, payment for support services must be furnished promptly in accordance with rules adopted by the department to, or on behalf of, eligible individuals as agreed to in the employability plan. The rules must provide for an expedited procedure for payment for support services when those services are immediately necessary to enable the participant to participate in an approved education, training or employment plan.

The support services required to participate in the employability plan must be specified in an individual opportunity service contract and each participant must receive the support services prescribed in that contract, which may include respite care.

6. Education, training and employment services. The ~~Additional Support for People in Retraining and Education program~~ ASPIRE-JOBS Program must make

available a broad range of education ~~and~~, training and employment services in accordance with section ~~3781-3781-A~~, subsection 2 3 and the federal Family Support Act of 1988, Public Law 100-485, as amended. These services and activities must include all of those services and activities offered by the Additional Support for People in Retraining and Education ~~program~~ Program on October 1, 1989. ~~Nothing in this~~ This section prohibits does not prohibit the department from purchasing equivalent services from providers other than those from whom those services were purchased on October 1, 1989. When a particular approved education or training service is available at comparable quality and cost, including the cost of support services, and the implementation of the employability plan would not be unreasonably delayed, the program participant may choose to enroll for that service with the provider of that person's preference. If this decision is not mutually agreed to by the participant and the case manager, the decision must be reviewed by the case manager's supervisor. These services do not include reimbursement for the cost of tuition or mandatory fees for postsecondary education unless:

A. The participant is unable to secure other educational funding needed to complete the participant's individual opportunity service contract due to:

(1) Poor credit as determined by the educational funding source; or

(2) The consideration by the educational funding source of resources from past years that are not actually available to the participant;

B. In the determination of the department, failure to pay the tuition or fee would result in higher ASPIRE-JOBS Program costs to achieve the participant's approved goal; or

C. The participant meets an exception specified in rules adopted by the department.

When a substantially similar postsecondary education or training program of comparable quality is available at both a public and private institution, within a reasonable commuting distance for the participant, the department may choose to approve the program offered at the public institution if the participant's program can be completed at less cost at the institution.

A person may not be discouraged from participating in a 4-year postsecondary program if such a program is appropriate for the participant and consistent with the goals of the ASPIRE-JOBS ~~program~~ Program.

7. Readability. All notices, applications and decisions intended to be read by ~~program~~ ASPIRE-JOBS

Program applicants or participants ~~shall~~ must be designed to be easily understood and ~~shall~~ must have a readability score, as determined by a recognized instrument for measuring adult literacy, equivalent to no higher than a 6th grade reading level.

8. Annual report. Beginning in 1991, the department shall submit a report annually on March 15th to the joint standing committee of the Legislature having jurisdiction over human resources ~~matters~~. The report must include the number of ~~Additional Support for People in Retraining and Education program~~ ASPIRE-JOBS Program participants who are receiving pretraining and job search services and must specify the specific services provided and the agencies providing those services. A copy of the report must be submitted to the Office of the Executive Director of the Legislative Council.

9. Rules. The department may adopt rules in accordance with the Maine Administrative Procedure Act to implement this section.

~~All rules required by this section, with the exception of those required under subsection 5, shall be adopted by October 15, 1989.~~

Sec. 22. 22 MRSA §3789, as enacted by PL 1989, c. 839, §12, is amended to read:

§3789. Self-initiated training

1. Participation requirement satisfied. If a federal Aid to Families with Dependent Children recipient is attending, in good standing, in an institution of higher education; or a school or course of vocational or technical training consistent with the individual's employment goals; and is making satisfactory progress in that institution, school or course at the time the recipient would otherwise commence participation in the program, ~~such that attendance constitutes satisfactory participation in Additional Support for People in Retraining and Education for the purposes of 42 United States Code, Section 602(a)(19).~~

2. Education, training and employment services. The department rules pertaining to education, training and ~~support employment services for Additional Support for People in Retraining and Education~~ ASPIRE-JOBS Program participants apply equally to persons who are in self-initiated training at the time ~~that person those persons~~ would otherwise commence participation in ~~Additional Support for People in Retraining and Education~~ the ASPIRE-JOBS Program.

Sec. 23. 26 MRSA §2013, sub-§9-A, as enacted by PL 1987, c. 856, §8, is amended to read:

9-A. Coordination with Additional Support for People in Retraining and Education - Job Opportunities

and **Basic Skills Training Program.** Coordination with the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program established in Title 22, chapter 1054-A; and

Sec. 24. 26 MRSA §2154, sub-§2, as amended by PL 1991, c. 591, Pt. E, §26 and affected by §27, is further amended to read:

2. Allied health care workers. An increased supply of allied health care workers through training of participants in the state job training system. For purposes of this chapter, the state job training system includes job training programs such as the Job Training Partnership Act; the Welfare, Employment, Education and Training Program; the Maine Training Initiative; the ASPIRE-JOBS program Program; and programs administered by participating hospitals.

Sec. 25. 26 MRSA §2171, sub-§3, as enacted by PL 1989, c. 408, §3, is amended to read:

3. Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program. The Additional Support for People in Retraining and Education program - Job Opportunities and Basic Skills Training Program under Title 22, chapter 1054-A;

Sec. 26. Self-employment. The Department of Human Services shall study barriers to self-employment for Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program participants and submit its findings to the Joint Standing Committee on Human Resources by February 1, 1994.

Sec. 27. Post-eligibility case management. In order to promote job retention for former Aid to Families with Dependent Children recipients, the Department of Human Services shall offer case management services to Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program participants for up to 90 days after Aid to Families with Dependent Children benefits have been terminated if the benefits were terminated because of the participants' earnings.

Sec. 28. Information pilot program. In at least one region of the State, the Department of Human Services shall make available to persons completing the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program comprehensive information about the impact of earned income on public assistance benefits and the availability of transitional transportation, child care and medical benefits. This information must be provided in a face-to-face interview when possible. The department shall submit a report regarding the pilot program to the Joint Standing Committee on Human Resources by February 1, 1994.

Sec. 29. Maximization of federal funds. The Department of Human Services shall review all sources of currently unmatched state dollars benefitting the employment, education and training efforts of participants in the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program to determine if those funds could generate additional federal matching funds. The review must include, but is not limited to, state funds used for child care; job search or placement services provided by the Technical College System or the University of Maine System; adult education programs; services provided to teen parents in public schools; and job training programs within the Department of Labor.

The department shall further investigate the extent to which in-kind expenditures and funds used by private nonprofit organizations for the benefit of Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program participants may be used as state matching funds for available federal funds.

The department shall submit its findings and recommendations regarding this section to the Joint Standing Committee on Human Resources by February 1, 1994.

Sec. 30. Family self-sufficiency. To the extent permitted by federal law, the Department of Human Services shall certify local or other funds to qualify for federal financial participation to expand family self-sufficiency programs statewide. The department shall coordinate this expansion with local housing authorities.

See title page for effective date.

CHAPTER 386

H.P. 871 - L.D. 1180

An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System

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

Sec. 1. 5 MRSA §17001, sub-§3-A, as amended by PL 1991, c. 480, §1, is further amended to read:

3-A. Annual base compensation. "Annual base compensation" means a member's gross compensation, based upon amounts reported by the member's employer on the member's previous year's federal wage and tax statement, that is used the first day of each April for setting the amount of coverage prior to retirement for participants in the group life insurance program administered by the board.