

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

Office of Rehabilitation Services, Division of Deafness.

**Sec. J-12. 35-A MRSA §8704, sub-§1, ¶A**, as enacted by PL 1989, c. 851, §7, is amended to read:

A. The Director of the Division of Deafness, Department of ~~Human Services~~ Education, or a designee;

**Sec. J-13. 36 MRSA §654, sub-§1, ¶E**, as repealed and replaced by PL 1987, c. 772, §14, is amended to read:

E. The residential real estate up to the just value of \$4,000 of inhabitants of Maine who are legally blind as determined by the Department of ~~Human Services~~ Education, Division for the Blind and Visually Impaired; and

**Sec. J-14. Transition provisions.**

**1. Rules and procedures.** All rules and procedures that are in effect, in operation or adopted on the effective date of this Act in or by the former Department of Human Services, Bureau of Rehabilitation continue in effect until rescinded, revised or amended by the proper authority.

**2. Contracts and agreements.** All contracts, agreements and compacts of the former Department of Human Services, Bureau of Rehabilitation in effect on the effective date of this Act continue in effect.

**3. Funds transferred.** Notwithstanding the Maine Revised Statutes, Title 5, sections 1585 and 1586, all accrued expenditures, assets, liabilities, balances or allocations, transfers, revenues or other available funds in any account or subdivision of an account of the Department of Human Services and authorized for use by the Bureau of Rehabilitation on the effective date of this Act must be reallocated to the Department of Education, Office of Rehabilitation Services.

**4. Equipment and property transferred.** All equipment and property of the former Department of Human Services, Bureau of Rehabilitation must be transferred to the Department of Education, Office of Rehabilitation Services, unless the Commissioner of Human Services and the Commissioner of Education jointly authorize a different policy.

**5. Personnel transferred.** Employees of the former Department of Human Services, Bureau of Rehabilitation whose positions are transferred to the Department of Education, Office of Rehabilitation Services under this Act retain their positions within the Office of Rehabilitation Services and their employee rights, privileges and benefits, including sick

leave and vacation. For a period of 18 months beginning on the effective date of this Act, all personnel transferred to the Office of Rehabilitation Services retain all applicable seniority rights and privileges with regard to employment in the Department of Human Services subject to agreement by the parties in collective bargaining. The Bureau of Human Resources within the Department of Administrative and Financial Services shall assist with the orderly implementation of this section.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 15, 1994.

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**CHAPTER 709**

**S.P. 729 - L.D. 1950**

**An Act to Establish the Project Opportunity Demonstration Program**

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

**Whereas**, the current welfare system creates disincentives for a welfare customer to obtain self-sufficiency; and

**Whereas**, neither welfare customers nor the general public support the current system; and

**Whereas**, discussions of alternative welfare systems are progressing and experimental changes are being encouraged by the Federal Government; and

**Whereas**, the ASPIRE-JOBS Program, which exists to assist welfare customers in employment, education and training activities, is hampered in its efforts by lack of funding and exemptions from active participation for 16,000 out of 22,000 welfare customers in the State; and

**Whereas**, as a result of recent changes enacted by the Legislature, some progress has been made in helping Aid to Families with Dependent Children customers to become self-sufficient; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 10 MRSA §929-B, sub-§3, ¶E,** as enacted by PL 1993, c. 410, Pt. MMM, §1, is amended to read:

E. Identification of:

- (1) The types of industries and jobs with significant growth potential in the State;
- (2) The State's evolving industrial base;
- (3) The dynamic national and international markets;
- (4) Existing efforts to convert military economies to civilian economies; ~~and~~
- (5) Other relevant studies and evaluations in the private and public sector dealing with the long-term economic growth of the State; and
- (6) The work force challenges faced by welfare recipients and strategies to address their economic and related needs.

**Sec. 2. 22 MRSA §3741-E, sub-§5,** as enacted by PL 1993, c. 385, §8, is amended 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~~ those participants that are equal to or greater than the value of services that the ~~person is~~ persons are eligible to receive under the rules of the ASPIRE-JOBS Program. ~~This subsection is repealed June 30, 1994.~~

**Sec. 3. 22 MRSA §§3741-K and 3741-L** are enacted to read:

**§3741-K. Project Opportunity**

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

- A. "AFDC" means Aid to Families with Dependent Children.
- B. "Participant" means a recipient of AFDC benefits who participates in the project.
- C. "Project" means Project Opportunity, the demonstration project authorized by this section.

D. "Project area" means the departmental regions in which the project is operated, as authorized by subsection 2.

**2. Authorization; purpose; duration; scope.**

By October 1, 1994, the department shall apply to the Federal Government for a waiver under the federal Social Security Act, Section 1115 to establish a demonstration project, known as Project Opportunity. The purpose of the project is to demonstrate that changes in the AFDC and ASPIRE-JOBS programs are effective in providing increased opportunities for employment and assisting recipients to become self-sufficient. The following provisions apply to the project.

A. The project must be for 4 years, except that the department, as part of the waiver application, reserves the right to withdraw after 2 years if the goals of the project are not being met.

B. The project must be conducted in Regions II and V, as described in section 6-A.

**3. Participation.** Participation in the project is governed by the following provisions.

A. The maximum number of participants is 500 over the life of the project.

B. Participants are required to engage in at least 20 hours per week of training, education or employment.

C. Priority for participation in the project must be assigned in accordance with section 3741-E.

D. AFDC benefits for participants must be calculated in the same manner as for AFDC recipients who are not participants.

**4. Employment opportunities.** Participants who have completed an ASPIRE-JOBS education or training component or who are otherwise determined appropriate by department staff are eligible for enhanced employment opportunities in accordance with the following provisions.

A. The department shall enter into contracts with private and nonprofit businesses to provide additional employment opportunities for participants. A contract must include, but is not limited to, a requirement that the employer recruit volunteer mentors from among more experienced employees to assist participants in becoming oriented to work and the workplace.

B. A business that hires a recipient of AFDC under this subsection is eligible to receive a subsidy for each recipient employed by that business. The subsidy is limited to a total of

\$3,780 per placement, to be paid over no more than 18 months. If the employer and the participant's case manager agree, the subsidy may be discontinued after 9 months and the balance of the total available amount for the participant may be converted to a voucher to be used by the participant to purchase education, training or support services consistent with the employment development plan and approved by the case manager.

C. The number of participants an employer employs at one time may not exceed 10% of the total number of that employer's employees or one participant, whichever is greater. The commissioner may waive the limit in special circumstances.

D. The department shall adopt rules in accordance with Title 5, chapter 375 to:

(1) Specify which public and private sector employers are eligible to receive subsidies under this subsection;

(2) Establish criteria by which employers may be excluded from participation in the project for failure to abide by project requirements or for demonstrated unwillingness to comply with the stated intent of the project; and

(3) Prohibit employers that have shown a pattern of terminating participants from employing additional participants.

E. The department shall ensure that jobs made available to participants under this subsection:

(1) Are in conformity with the Federal Unemployment Tax Act, Section 3304(a)(5);

(2) Are not used to displace existing employees; and

(3) Do not pay wages that are less than the wages paid for similar jobs by the employer and in the local economy with appropriate adjustments for experience and training.

F. With input from the participant, the case manager shall prepare an employment development plan designed to assist the participant to remove employment barriers, acquire work skills and obtain unsubsidized employment. The case manager shall periodically review the employment development plan and assess the participant's progress in accordance with rules for the ASPIRE-JOBS Program.

G. The department shall promote the federal Targeted Jobs Tax Credit with employers.

H. The department, in consultation with the Department of Labor, shall develop a job inventory of sufficient size to accommodate participants. In consultation with a participant, the department shall match the profile of that participant with the needs of an employer.

I. An employer who terminates employment of a participant is required to notify the department immediately.

**5. Project funds.** The project must be undertaken within the department's existing resources. When the department is able to document savings in the AFDC program that have accrued because of the project, the department shall provide the documentation to the joint standing committees of the Legislature having jurisdiction over human resource matters and appropriations and advise those committees that the department intends to seek legislative approval to transfer the savings to the ASPIRE-JOBS Program.

**6. Allocation of resources.** The department shall allocate ASPIRE-JOBS Program resources among regions of the State using the per AFDC case formula in effect on the effective date of this section.

**7. Extension of Medicaid and child-care benefits.** A family ineligible for AFDC benefits as the result of successful participation in the project is deemed eligible for Medicaid as a recipient of AFDC benefits and, in addition, is eligible for extended medical assistance and child care as described in the federal Family Support Act of 1988, Public Law 100-485. For that family and any family who resides in the project area and loses eligibility for the cash payment due to increased hours of employment, increased wages or employment of the principal wage earner in a family receiving AFDC benefits, the eligibility period for medical assistance and child-care benefits is extended from 12 to 24 months. The family is required to contribute to the cost of that care in accordance with sections 3741-G and 3741-I.

**8. Data; reports.** The department shall compile data regarding the project that includes, but is not limited to, the following information:

A. The extent to which the earnings and benefits of participants increased;

B. The extent to which AFDC benefits paid to participants were reduced;

C. The number of participants who became employed, whose employment increased in hours, who were promoted by employers or who accepted better positions with new employers

and a description of the mechanisms used by or on behalf of those participants to obtain, increase or improve employment;

D. The number of participants whose employment decreased in hours or ceased and the reasons for those changes in employment; and

E. The savings per participant in the AFDC program.

By December 1, 1996, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resource matters. The report must include, but is not limited to, the data required by this subsection, any recommendations the department proposes for changing the project and the department's recommendation regarding whether or not to continue the project.

**§3741-L. Family planning services**

To the extent funds permit, the department, in cooperation with the grant manager of the State's family planning system, shall develop and implement an intensive outreach program to provide family planning services to recipients of Aid to Families with Dependent Children. The target population must include, but is not limited to, recipients who are minors. The department shall work with the grant manager to identify funds that may be matched with federal funds to support the outreach program.

**Sec. 4. 22 MRSA §3760-C**, as amended by PL 1993, c. 410, Pt. TT, §1, is repealed and the following enacted in its place:

**§3760-C. Households headed by minor parents**

In order to receive Aid to Families with Dependent Children benefits, a parent who is under 18 years of age and has never been married and a dependent child in that parent's care must reside in the household of a parent, legal guardian or other adult relative of that minor parent or in an adult-supervised supportive living arrangement unless:

**1. No living parent or legal guardian.** The minor parent does not have a living parent or legal guardian whose whereabouts is known;

**2. Residence with parent or guardian not permitted.** A living parent or legal guardian of the minor parent does not allow the minor parent to live in the parent's or guardian's home;

**3. Lived apart for at least one year.** The minor parent lived apart from the minor's own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the

minor parent's application for Aid to Families with Dependent Children benefits;

**4. Health or safety jeopardized.** The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the minor parent's parent or legal guardian; or

**5. Other good cause.** There exists other good cause, as that term is defined by the department through rulemaking under the Maine Administrative Procedure Act.

**Sec. 5. Link to economic development.**

The Maine Aid to Families with Dependent Children Advisory Council, as established by the Maine Revised Statutes, Title 5, section 12004-I, subsection 36, shall offer to assist the Maine Economic Growth Council in meeting its responsibilities under Title 10, section 929-B, subsection 3, paragraph E and shall provide any other assistance the Maine Economic Growth Council needs to address the challenges of welfare recipients.

**Sec. 6. Link to Maine Quality Centers.**

If Maine Quality Centers are established to meet the work force education and training needs of new and expanding businesses in the State, the Department of Human Services shall ensure that the Maine Quality Centers are aware of the ASPIRE-JOBS Program and that participants of that program are considered for employment and career advancement opportunities coordinated by the Maine Quality Centers.

**Sec. 7. Appropriation.**

The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**1994-95**

**HUMAN SERVICES,  
DEPARTMENT OF**

**Family Services Program**

Positions	(-13.5)
Personal Services	(\$576,916)
All Other	(751,898)
<b>TOTAL</b>	<b>(\$1,328,814)</b>

Provides for the deappropriation of funds to incorporate these funds with existing ASPIRE-JOBS funds. This combination will

maximize matching for federal funding.

**Welfare Employment, Education and Training**

Positions	(13.5)
Personal Services	\$576,916
All Other	751,898
<b>TOTAL</b>	<u>\$1,328,814</u>

Provides for the appropriation of funds resulting from the combination of funds from the Family Services Program account.

**DEPARTMENT OF HUMAN SERVICES TOTAL**

\$-0-

**Sec. 8. Allocation.** The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

**1994-95**

**HUMAN SERVICES, DEPARTMENT OF**

**Family Services Program**

Positions	(-15.0)
Personal Services	(\$558,925)
All Other	(939,766)
<b>TOTAL</b>	<u>(\$1,498,691)</u>

Provides for the deallocation of funds to incorporate these funds with existing ASPIRE-JOBS funds. This combination will maximize matching for federal funding.

**Welfare Employment, Education and Training**

Positions	(15.0)
Personal Services	\$558,925
All Other	939,766
<b>TOTAL</b>	<u>\$1,498,691</u>

Provides for the allocation of funds resulting from the combination of funds from the Family Services Program account.

**DEPARTMENT OF HUMAN SERVICES TOTAL**

\$-0-

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 15, 1994.

**CHAPTER 710**

**S.P. 752 - L.D. 1981**

**An Act to Establish a Self-employment Assistance Program**

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

**Sec. 1. 26 MRSA §1082, sub-§1,** as repealed and replaced by PL 1983, c. 816, Pt. A, §21, is amended to read:

**1. Powers and duties of the commissioner.** Except as otherwise provided, it ~~shall be~~ is the duty of the Commissioner of Labor to administer this chapter, through an organization to be known as the Bureau of Employment Security. The commissioner shall appoint a Director of Employment Security to serve at ~~his~~ the commissioner's pleasure. The commissioner may employ ~~such~~ persons, make ~~such~~ expenditures, require ~~such~~ reports, make ~~such~~ investigations and take ~~such~~ other actions as ~~he deems~~ the commissioner determines necessary or suitable to that end. The commissioner ~~shall be~~ is responsible and ~~shall possess~~ possesses the necessary authority for the operation and management of the Bureau of Employment Security. The commissioner shall determine methods of operational procedures in accordance with the provisions of this chapter. The commissioner may adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to achieve this purpose, except rules pertaining to unemployment insurance as provided in subsection 2. The commissioner may adopt rules with respect to a self-employment assistance program as provided in section 1197. The commissioner shall determine methods of operational procedures in accordance with the provisions of this chapter and by the Maine Administrative Procedure Act, Title 5, chapter 375. The commissioner shall make ~~such~~ recommendations for