

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

Sec. 2. 5 MRSA §4682, as amended by PL 1993, c. 442, §2, is further amended to read:

§4682. Violations of constitutional rights; civil actions by aggrieved persons

Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the person whose exercise or enjoyment of these rights has been interfered with, or attempted to be interfered with, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

Sec. 3. 5 MRSA §4684-B is enacted to read:

§4684-B. Additional protections

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

A. "Building" means any structure having a roof

or a partial roof supported by columns or walls that is used or intended to be used for shelter or enclosure of persons or objects regardless of the materials of which it is constructed.

B. "Health service" means any medical, surgical, laboratory, testing or counseling service relating to the human body.

C. "Physical obstruction" means rendering impassable ingress to or egress from a building or rendering passage to or from a building unreasonably difficult or hazardous.

2. Violation. It is a violation of this section for any person, whether or not acting under color of law, to intentionally interfere or attempt to intentionally interfere with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State by any of the following conduct:

A. Engaging in the physical obstruction of a building;

B. Making or causing repeated telephone calls to a person or a building, whether or not conversation ensues, with the intent to impede access to a person's or building's telephone lines or otherwise disrupt a person's or building's activities;

C. Activating a device or exposing a substance that releases noxious and offensive odors within a building; or

D. After having been ordered by a law enforcement officer to cease such noise, intentionally making noise that can be heard within a building and with the further intent either:

(1) To jeopardize the health of persons receiving health services within the building; or

(2) To interfere with the safe and effective delivery of those services within the building.

See title page for effective date.

CHAPTER 418

S.P. 548 - L.D. 1496

An Act to Improve the AFDC Program

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

PART A

Sec. A-1. 22 MRSA §1, 3rd ¶, as repealed and replaced by PL 1989, c. 878, Pt. A, §51, is amended to read:

The commissioner may employ any bureau and division heads, deputies, assistants and employees who may be necessary to carry out the work of the department. All personnel of the department ~~shall be~~ are under the immediate supervision, direction and control of the commissioner. These personnel ~~shall be~~ are employed subject to the Civil Service Law, except the Deputy Commissioner; Director, Bureau of Child and Family Services; Director, Bureau of Elder and Adult Services; Director, Bureau of Health; ~~Director, Bureau of Rehabilitation;~~ Director, Bureau of Income Maintenance Family Independence; Director, State Health Planning and Development Agency; Director, Bureau of Medical Services; and Assistant Deputy Commissioners.

Sec. A-2. 22 MRSA §9-A, sub-§1, ¶B, as enacted by PL 1989, c. 566, is repealed.

Sec. A-3. 22 MRSA §9-A, sub-§2, as enacted by PL 1989, c. 566, is repealed.

Sec. A-4. 22 MRSA §3104, sub-§12 is enacted to read:

12. Penalty. The unauthorized issuance, redemption, use, transfer, acquisition, alteration or possession of coupons or other program access device may subject an individual, partnership, corporation or other legal entity to prosecution by the State in accordance with Sections 15 (b) and 15 (c) of the federal Food Stamp Act of 1977. Penalties are in accordance with those outlined in federal law or regulations.

Sec. A-5. 22 MRSA §3741, as amended by PL 1983, c. 849, §1, is repealed and the following enacted in its place:

§3741. Aid to dependent children; promotion of economic self-support

The department shall promote economic self-support among families in accordance with the provisions of this chapter.

1. Administering program. The department may administer and operate a program of aid to dependent children within the United States Social Security Act and any amendments and additions to the Act. The department shall also implement and operate a program of aid to the dependent children of intact families with unemployed parents in accordance with 42 United States Code, Section 607, as amended.

2. Promoting support by both parents. The department shall enforce laws and establish policies to ensure that both parents contribute to the economic support of their child or children and to promote every child's right to economic support from both parents.

3. Move to sustainable employment. The department shall assist parents who receive benefits under the Aid to Families with Dependent Children program to move as quickly as possible into employment that will sustain the family.

4. Training; partnerships. The department shall increase the employability of parents who receive benefits under the Aid to Families with Dependent Children program through on-the-job training and strengthening the public and private workforce partnership by developing training sites and jobs for those parents.

5. Teenage pregnancies; minimization. The department shall provide education and services to minimize teenage pregnancies with special attention paid to the role of the male.

6. Safety net of services. The department shall ensure that the State's safety net of services offers a hand-up rather than a handout.

7. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms having the following meanings.

A. "AFDC" means the program of Aid to Families with Dependent Children, under the United States Social Security Act, 42 United States Code, Section 601, and any benefits payable under that program.

B. "Family Support Act" means the federal Family Support Act of 1988, Public Law 100-485.

Sec. A-6. 22 MRSA §3741-A, as amended by PL 1993, c. 385, §3, is repealed.

Sec. A-7. 22 MRSA §3741-C, as amended by PL 1993, c. 385, §5, is repealed and the following enacted in its place:

§3741-C. Program requirements

Beginning October 1, 1995, all recipients of AFDC must sign a family contract as outlined in section 3741-J and meet the following program requirements.

1. Participation. A recipient of AFDC must participate in an education, training or employment program as described in the Family Support Act unless exempt under paragraphs A and B.

A. The recipient is exempt if that recipient is the parent or another relative of a child under 2 years of age and is personally providing care for that child; is unable to work due to a physically or mentally handicapping condition as determined by the department; is needed in the home to care for an impaired household member; or is 60 years of age or older.

B. The recipient is exempt if that recipient has a child who has needs that are professionally documented related to physical disabilities, mental illness, mental retardation, developmental delays or disabilities, or emotional or behavioral problems.

2. Custodial parents not yet 20 years of age.

A custodial parent under 20 years of age who is a recipient of AFDC and has not completed high school or its equivalent must participate in the ASPIRE-JOBS Program regardless of the age of the youngest child and attend courses to complete high school, with an emphasis on education in a traditional high school setting.

3. Voucher payments only. A custodial parent who is under 18 years of age and who is a recipient of AFDC must receive those benefits in the form of vouchers.

4. Home visit. The department shall implement a home visit program in Regions II, IV and V, as defined in section 6-A, under which the department shall visit the homes of all persons upon determination of eligibility for Aid to Families with Dependent Children for the following purposes:

A. To complete the family contract required by section 3741-J;

B. To reinforce the reporting responsibilities of the family, including child support enforcement;

C. To verify information provided at the time of application, including checking social security numbers; and

D. To request and receive any additional information.

Sec. A-8. 22 MRSA §3741-D, as enacted by PL 1989, c. 839, §1, is repealed.

Sec. A-9. 22 MRSA §3741-E, sub-§5, as amended by PL 1993, c. 709, §2, is further amended to read:

5. Exception. Notwithstanding subsection 4, the department may use up to ~~20%~~ 30% of ASPIRE-JOBS Program funds to serve persons regardless of their date of participation in the ASPIRE-JOBS Program ~~orientation work evaluation~~. The department

may also use ASPIRE-JOBS Program funds to serve persons regardless of their date of participation in the ASPIRE-JOBS Program ~~orientation work evaluation~~ when other organizations or agencies provide benefits to those participants that are ~~equal to or greater than the value of services that the persons are eligible to receive under the rules of the ASPIRE-JOBS Program~~ of substantial worth.

Sec. A-10. 22 MRSA §3741-G, as amended by PL 1993, c. 385, §9, is repealed and the following enacted in its place:

§3741-G. Transitional medical assistance

The department shall administer a program to provide transitional eligibility for medical assistance in accordance with the Family Support Act and this section.

1. Earnings; hours worked; loss of disregards.

In order to receive transitional Medicaid as the result of increased earnings, number of hours worked or the loss of disregards, a family must have received AFDC for at least 3 of the last 6 months.

2. Work search. The department shall apply for a waiver from the federal Department of Health and Human Services to provide transitional Medicaid benefits for families whose eligibility for AFDC has terminated due to employment obtained through work search activities pursuant to this chapter, in which case the family must have received AFDC for at least one of the last 3 months.

3. Periodic reporting. The department shall require reporting of income or circumstances in the 5th and 11th months of receipt of extended medical assistance.

4. Premiums; copayments; deductibles. To continue to receive extended medical assistance following the first 6 months of coverage, a family must pay premiums for the 7th to 9th months at \$10 per month and for the 10th to 12th months at \$20 per month.

5. Scope of services. The scope of services provided under this section must be the same as the scope of services provided when a family received AFDC.

Sec. A-11. 22 MRSA §3741-I, sub-§1, as amended by PL 1993, c. 385, §11, is repealed and the following enacted in its place:

1. Transitional child care assistance. The department shall administer a program to provide transitional child care assistance in accordance with the Family Support Act and this subsection.

A. In order to receive transitional child care assistance as the result of increased earnings, number of hours worked or the loss of disregards, the family must have received AFDC for at least 3 of the last 6 months.

B. The department shall apply for a waiver from the federal Department of Health and Human Services to provide transitional child care assistance for families whose eligibility for AFDC has terminated due to work search activities pursuant to this chapter, in which case the family must have received AFDC for at least one of the last 3 months.

C. The department shall require periodic reporting of income or circumstances in the 5th and 11th months of receipt of transitional child care.

D. To continue to receive transitional child care, a family must pay premiums for the first 3 months at \$10 per month, for the second 3 months at \$20 per month, for the third 3 months at \$30 per month and for the fourth 3 months at \$40 per month.

E. Transitional child care assistance must provide the actual cost of child care, less participant contribution, up to the maximum allowable rate established in section 3741-H.

Sec. A-12. 22 MRSA §3741-J, as enacted by PL 1993, c. 385, §13, is repealed and the following enacted in its place:

§3741-J. Family contract

During the ASPIRE-JOBS Program referral process, a representative of the department and each AFDC caretaker relative shall sign a form referred to as a family contract. The family contract must state the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, the requirements of ASPIRE-JOBS Program participation and referral to parenting activities and health care services. Refusal to sign the family contract or to abide by the provisions of the contract, except for referral to parenting activities and health care services, will result in sanctions against the caretaker relative. Failure to comply with referrals to parenting activities or health care services without good cause will result in review and evaluation of the reason for noncompliance and may result in sanctions.

Sec. A-13. 22 MRSA §3741-K, as enacted by PL 1993, c. 709, §3, is repealed and the following enacted in its place:

§3741-K. ASPIRE-Plus

The department shall apply to the federal Department of Health and Human Services and the federal Department of Agriculture for waivers to establish a work supplementation program called ASPIRE-Plus to encourage employers to develop jobs for ASPIRE-JOBS Program participants and to fund the program through diversion of funds that would otherwise have been used to provide AFDC and Food Stamp benefits for the family or household.

1. Reimbursement. ASPIRE-Plus provides reimbursement of up to 1/2 of the minimum wage for employers in department Regions II, IV and V that hire ASPIRE-JOBS Program participants.

2. Funding. ASPIRE-Plus is funded with the funds that would have been used to provide AFDC and Food Stamp benefits for which the household was eligible, without considering the income from the ASPIRE-Plus wage.

3. Program design. The duration of ASPIRE-Plus is 5 years. Participation must be determined on an individual basis and is dependent on the availability of funds. The number of participants is limited to 1,500 over the length of the project.

4. Employer participation. The department shall adopt rules concerning public and private sector employer participation in ASPIRE-Plus in accordance with this subsection.

A. An employer may employ at any one time up to one project participant or 10% of the total number of the employer's employees, whichever is greater, unless this limit is waived by the Director of the Bureau of Family Independence.

B. Employers may be excluded from participation in ASPIRE-Plus for failure to abide by project requirements, demonstrated unwillingness to comply with the stated intent of the department, a pattern of terminating participants prior to the completion of training, a pattern of not continuing employment when the subsidy ends or other good cause determined by the department.

C. Employers shall meet the following requirements to qualify for participation. The job may not require work in excess of 40 hours per week. The hiring of the participant may not displace regular employees or fill vacant positions previously established. The job must pay at least minimum wage and not pay substantially less than the wage paid for similar jobs in the local economy, with appropriate adjustment for experience and training. The job must provide the participant with sick leave, holiday and vacation absences in conformance with the employer's

rules for new employees and must provide the participant with group health insurance benefits. The employer shall provide a mentor for the participant.

5. Wage supplement. An ASPIRE-Plus participant whose participation in ASPIRE-Plus results in the loss of net income must receive a wage supplement to provide the same level of net income as the participant had prior to participation in ASPIRE-Plus. Participants are entitled to retain all child support obligation payments collected by the department on current obligations for children within the family or household.

6. Eligibility for medical assistance; child care. An ASPIRE-Plus participant who is eligible for Medicaid when the participant enters the project remains eligible while participating in ASPIRE-Plus. Work-related child care services must be provided for all participants in accordance with the Family Support Act.

7. Employer agreements. An employer must sign an agreement for each participant hired by the employer under ASPIRE-Plus. The agreement must specify the job for which the participant is hired and the employer's responsibility to repay reimbursements if the employer violates project rules. The employer must agree to abide by all requirements of the project, including the requirement that the participant's job not supplant an existing job.

Sec. A-14. 22 MRSA §3741-L, as enacted by PL 1993, c. 709, §3, is amended to read:

§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 the grant manager of the statewide association of family planning service providers shall implement an intensive ~~outreach program~~ Peer Education Project to ~~provide~~ increase the use of family planning services to recipients of Aid to Families with Dependent Children. The target population must include, but is not limited to, recipients at risk of repeat pregnancy, recipients who are minors and individuals at risk of becoming Aid to Families with Dependent Children recipients. The department shall work with the grant manager to identify funds that may be matched with federal funds to support the outreach program.

The Peer Education Project shall provide direct, in-person family planning information, education and counseling to members of target populations and recruits, trains and, if funding is available, provides permanent employment for AFDC recipients as peer education workers.

Sec. A-15. 22 MRSA §3758, sub-§1, as amended by PL 1993, c. 349, §51, is repealed.

Sec. A-16. 22 MRSA §3758, sub-§§2, 3 and 4, as enacted by PL 1975, c. 441, §1, are repealed.

Sec. A-17. 22 MRSA §3758-A is enacted to read:

§3758-A. Transfer of funds

Notwithstanding any provision of law, except Title 5, section 1585, the department is authorized to transfer to the ASPIRE account as often as twice per fiscal year funds representing cost savings within the AFDC program resulting from ASPIRE-JOBS Program participants' obtaining employment during that fiscal year. The department shall determine the amount of savings in the aggregate by utilizing the number of ASPIRE-JOBS Program participants entering employment in each quarter of the fiscal year. Funds appropriated to either account do not lapse at the end of the fiscal year.

The department shall provide to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over human resource matters a report twice per year on the amount of funds transferred and the number of ASPIRE-JOBS Program participants entering employment.

Sec. A-18. 22 MRSA §3759, as reallocated by PL 1983, c. 816, Pt. A, §17, is repealed.

Sec. A-19. 22 MRSA §3760-H, as enacted by PL 1993, c. 385, §14, is amended to read:

§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~~ Employment Program established pursuant to chapter 1054-A.

2. ASPIRE-JOBS Program. "ASPIRE-JOBS Program" means the Additional Support for People in Retraining and ~~Education~~ Employment - 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. A-20. 22 MRSA §3760-I is enacted to read:

§3760-I. Alternative aid

1. Alternative aid. To assist applicants who seek short-term assistance to obtain or retain employment, the department shall pay one-time voucher payments of up to 3 times the monthly AFDC grant for which the family is eligible. If the family reapplies for AFDC within 3 months of receiving alternative aid, the family must repay any alternative aid received in excess of the amount that the family would have received on AFDC. The method of repayment must be the same as that used for the repayment of unintentional overpayments in the AFDC Program.

Sec. A-21. 22 MRSA §3772, as amended by PL 1993, c. 360, Pt. C, §3, is repealed.

Sec. A-22. 22 MRSA §3775, as amended by PL 1989, c. 878, Pt. A, §61, is repealed.

Sec. A-23. 22 MRSA §3776, as amended by PL 1989, c. 700, Pt. A, §§86 to 88, is repealed.

Sec. A-24. 22 MRSA §3778, as amended by PL 1983, c. 730, §8, is repealed.

Sec. A-25. 22 MRSA §3781-A, as enacted by PL 1993, c. 385, §16, is amended to read:

§3781-A. Additional Support for People in Retraining and Employment - 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~~ Employment - 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~~ focus on helping people obtain and retain employment that sustains their families.

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. A-26. 22 MRSA §3782-A, sub-§4, as repealed and replaced by PL 1993, c. 385, §17, is amended to read:

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~~ Employment - 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. A-27. 22 MRSA §3785, sub-§8, as amended by PL 1993, c. 385, §18, is further amended to read:

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

Sec. A-28. 22 MRSA §3785, sub-§§10 and 11, as amended by PL 1993, c. 385, §18, are repealed.

Sec. A-29. 22 MRSA §3788, sub-§§2 to 4, as amended by PL 1993, c. 385, §21, are further amended to read:

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. 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~~ work evaluation 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 to determine that individual's education, training and employment needs in accordance with the federal Family Support Act of 1988, ~~Public Law 100-485, as amended.~~

4. Employability plan. An employability plan 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 during the work evaluation.~~ The employability plan must consider available program resources, the participant's skills and aptitudes, the applicant's need for supportive services, local employment opportunities and, to the maximum extent possible, the preferences of the participant.

Sec. A-30. 22 MRSA §3788, sub-§4-A, as enacted by PL 1993, c. 385, §21, is amended to read:

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 both the department's and the participant's activities~~ and the support services necessary for the individual 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.

Sec. A-31. 22 MRSA §3788, sub-§6, as amended by PL 1993, c. 385, §21, is further amended to read:

6. Education, training and employment services. The ASPIRE-JOBS Program must make available a broad range of education, training and employment services in accordance with section 3781-A, subsection 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 Employment Program on October 1, 1989. This section 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.~~

Sec. A-32. 22 MRSA §3788, sub-§§7 and 8, as amended by PL 1993, c. 385, §21, are repealed.

Sec. A-33. 22 MRSA §3788, sub-§§10 to 13 are enacted to read:

10. Program design. The department shall operate the ASPIRE-JOBS program under which individual participation is required for a minimum of 20 hours per week in time-limited components that

include job search, work evaluation, education, training and treatment and workforce-MaineServe.

A. Individuals who are ready for jobs may participate in job search at any time. Up-front job search must focus on new recipients who are ready for jobs who are eligible for AFDC based on unemployment of the primary wage earner and new single-parent recipients who are ready for jobs and whose children are 5 years of age or older.

B. Work evaluation consists of all activities related to assessment, employability plan development and initial individual opportunity service contract formulation. Work evaluation is limited to a maximum of 90 days, unless extended by the commissioner or the designee of the commissioner. If an ASPIRE-JOBS participant is determined by the department to be job ready, the participant may access the workforce-MaineServe component directly from work evaluation.

C. Education, training and treatment is limited to a maximum of 24 months, starting with the first day of participation in any allowable and approved job skills or occupational skills training activity. The 24-month period may be extended by the commissioner or the designee of the commissioner for good cause shown.

The department may approve a job skills or occupational training activity longer than 24 months provided the participant agrees to perform a minimum of 20 hours a week of work site experience by no later than the end of the 24-month period. Qualifying work site experience may include, but is not limited to, paid employment, workforce-MaineServe, ASPIRE-Plus, work study, training-related practicums or any other such work site approved by the department. The 24-month period does not include periods of nonactivity in which good cause has been determined.

For individuals who are satisfactorily participating in an education or training program prior to the work evaluation, the department must determine the acceptability of the activity for purposes of meeting the participation requirements of this chapter using the same criteria as is used for any individual in the ASPIRE-JOBS Program.

D. Workforce-MaineServe consists of paid employment, subsidized employment, apprenticeships or other mandatory work activities, which may continue until the participant is ineligible for AFDC benefits.

11. Individual participation requirements.

Participation in the program components is governed by subsection 10 and this subsection.

A. For recipients whose eligibility for AFDC is based on unemployment of the primary wage earner, participation in the workforce-MaineServe component is required and any participation in the education, training and treatment component is contingent on satisfactory participation in workforce-MaineServe.

B. ASPIRE-JOBS participants who are attending school or are involved in an equivalent educational program recognized by the Department of Education or a local school board are considered to be in the education, training or treatment component and their participation is not limited to 24 months. The department shall encourage recipients younger than 20 years of age who have not completed high school to attend traditional high school.

C. Subject to the requirements of the Americans with Disabilities Act, if a recipient of AFDC is hindered from obtaining employment or successfully completing any portion of the ASPIRE-JOBS Program by reason of drug or alcohol abuse, the recipient must enter into a drug or alcohol abuse treatment program. This treatment activity may occur at any time during the ASPIRE-JOBS Program.

12. Developing resources. To assist the department in its efforts to encourage job placement opportunities and provide the services necessary to ensure self-support to recipients of AFDC, the department may contract with public and private agencies to establish job placement opportunities. In addition all agencies are subject to the following requirements.

A. All agencies that receive funds from any state department or division must provide at least one workforce-MaineServe opportunity for an ASPIRE-JOBS participant.

B. All state agencies that provide funding for child care or transportation services must require that recipients of AFDC be given priority for those services.

C. All agencies that receive funds from any state agency for the treatment of drug or alcohol abuse must require that recipients of AFDC be given priority for those services.

13. Determination of types of opportunities.

The department shall request that the federal Department of Health and Human Services delegate to the department the responsibility for determining the

types of opportunities necessary to provide recipients of AFDC with the skills to enable those recipients to become self-supporting and that these activities be included in determining the level of participation necessary to obtain maximum federal funding for the ASPIRE-JOBS Program.

Sec. A-34. 22 MRSA §3788-A is enacted to read:

§3788-A. MaineServe

The department shall establish a MaineServe program designed to provide parents who are eligible for AFDC opportunities to serve their communities and the State.

1. Purposes. The purposes of the MaineServe program are as follows:

A. To meet the human, educational, environmental and public safety needs of this State without displacing existing workers;

B. To renew the ethic of civic responsibility and the spirit of community throughout the State;

C. To encourage parents who are eligible for AFDC to engage in voluntary service to the State;

D. To expand and strengthen existing nonprofit and public sector initiatives that are addressing the needs of their communities and of the State; and

E. To provide parents who are eligible for AFDC the opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.

2. Eligibility. Any ASPIRE-JOBS participant over 16 years of age is eligible to volunteer for MaineServe, except that any person under 20 years of age who has not completed high school or its equivalent must also participate in an educational activity designed to complete high school education.

3. Duration of service. MaineServe volunteers may serve for up to 9 months. At the end of the service period, the MaineServe volunteer and the ASPIRE-JOBS case manager shall evaluate the MaineServe placement. If it is determined to be appropriate, the MaineServe volunteer may renew the placement within MaineServe.

4. Conditions of service. The MaineServe program is an alternative work experience program subject to the standards set out in the Social Security Act, 42 United States Code, Section 682(f).

Sec. A-35. 22 MRSA §3789, as amended by PL 1993, c. 385, §22, is repealed.

Sec. A-36. 22 MRSA §§3789-B and 3789-C are enacted to read:

§3789-B. Interdepartmental Welfare Reform Committee

The Interdepartmental Welfare Reform Committee, referred to in this section as the "committee," is established. The committee consists of the Commissioner of Education, the Commissioner of Labor, the President of the Maine Technical College System, the Commissioner of Mental Health and Mental Retardation, the Director of the Office of Substance Abuse, the Commissioner of Corrections or a designee from the Maine Youth Center and the Commissioner of Human Services, who serves as chair. The committee shall monitor the efforts of the state departments involved in welfare reform and ensure cooperation among those departments.

§3789-C. Committee of staff and recipients

The department shall establish a committee composed of program staff, program managers and recipients of AFDC to streamline application and case maintenance functions, develop a universal application and review other forms to be used for all programs and bring as much uniformity as possible to the programs administered by the Bureau of Family Independence. The committee shall advise the commissioner of any changes in policies that require federal waivers, legislation or congressional action.

Sec. A-37. Waiver of asset limit. The Department of Human Services shall apply to the federal Department of Health and Human Services for a waiver on a statewide basis of the federal vehicle asset limit in the Aid to Families with Dependent Children Program to exclude for the purposes of determining eligibility the family's primary vehicle used for transportation.

Sec. A-38. Day Care Task Force. The Department of Human Services shall establish a Day Care Task Force to examine options for increasing day care access for families leaving the Aid to Families with Dependent Children program. The review of options must include, but is not limited to, the use of day care cooperatives, increased family day care and the use of community facilities such as schools and churches. The Day Care Task Force shall submit its report to the Commissioner of Human Services no later than November 1, 1995.

Sec. A-39. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words Bureau of Income Maintenance appear or reference is made to those

words, they are amended to read and mean Bureau of Family Independence, and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. A-40. Transition to Bureau of Family Independence. The Bureau of Family Independence is the successor in every way to the powers, duties and functions of the former Bureau of Income Maintenance.

1. All existing rules, regulations and procedures in effect, in operation or adopted by the Bureau of Income Maintenance or any of its administrative units or officers continue in effect until rescinded, revised or amended by the proper authority.

2. All existing contracts, agreements and compacts currently in effect in the Bureau of Income Maintenance continue in effect.

3. Any positions authorized and allocated subject to the personnel laws to the former Bureau of Income Maintenance are transferred to the Bureau of Family Independence and continue to be authorized.

4. All records, property and equipment currently belonging to or allocated for the use of the former Bureau of Income Maintenance are transferred to the Bureau of Family Independence.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Bureau of Income Maintenance may be utilized by the Bureau of Family Independence until existing supplies of those items are exhausted.

Sec. A-41. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the word ASPIRE appear or reference is made to those words, they are amended to read and mean Additional Support for People in Retraining and Employment, and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. A-42. Amendment of requested waiver of Project Opportunity. The Department of Human Services shall amend its request to the Federal Government for a waiver under the United States Social Security Act, Section 1115 to replace the demonstration project, known as Project Opportunity, with the ASPIRE-Plus Project.

Sec. A-43. Development of opportunities. The Department of Labor, the Department of Education and the Department of Mental Health and Mental Retardation shall work cooperatively with the Department of Human Services to develop opportunities to service recipients of Aid to Families with Dependent Children benefits. The Department of

Human Services and the Department of Education shall work cooperatively to encourage individuals 19 years of age and younger who have not completed high school to remain in a traditional high school environment.

Sec. A-44. Curriculum. The Department of Human Services shall work cooperatively with the Department of Education to develop a curriculum and materials to be used in schools throughout the State to discourage teenagers from becoming parents at a young age and to provide education on parenting skills and techniques for those teenagers who do become parents, including information about parental responsibilities and child support obligations.

PART B

Sec. B-1. Commission to Study Poverty Among Working Parents

1. Commission established. There is established the Commission to Study Poverty Among Working Parents, referred to in this Part as the "commission." The purpose of the commission is to investigate the extent to which poverty exists among working families, investigate how poverty among working or underemployed parents with children contributes to the need for greater public assistance expenditure, investigate economic development efforts and other public and private sector initiatives that could reduce poverty and make comprehensive recommendations that address the commission's findings to the 118th Legislature.

2. Commission members. The commission consists of 21 members, all of whom must have knowledge of and experience with the economic challenges facing low-income working people. An equal number of members must be appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives. They are appointed as follows:

A. The following members must be appointed by the Governor:

- (1) A Maine employer;
- (2) A representative of the Department of Human Services;
- (3) A representative from an organization whose purpose it is to advance the position of women;
- (4) A representative from an organization that advocates for low-income people; and

(5) A representative from an agency providing community economic development services;

B. The following members must be appointed by the President of the Senate:

- (1) A member of the religious community;
- (2) A representative from a community action agency;
- (3) A professional child care provider;
- (4) A representative of the Aid to Families with Dependent Children Advisory Committee; and
- (5) A representative from a community agency providing education or training services to low-income people;

C. The following members must be appointed by the Speaker of the House of Representatives:

- (1) A representative of organized labor;
- (2) A recipient of Aid to Families with Dependent Children benefits who is a current or former participant in an education or training program;
- (3) A working single parent who has minor children and who earns less than 150% of the federal poverty level;
- (4) A representative of a postsecondary institution providing education and training services to low-income people; and
- (5) A representative of a community agency providing nontraditional education or training services to low-income people;

D. The President of the Senate shall appoint 2 Senators, one from each major political party, and the Speaker of the House of Representatives shall appoint 2 Representatives, one from each major political party; and

E. The cochairs of the Maine Economic Growth Council or their designees shall serve as members.

3. Responsibilities of the commission. The commission shall:

A. Determine the extent to which current labor market participation enables individuals and families to earn the amount of income necessary to meet the basic needs of their families;

B. Examine current labor laws and practices, to determine their impact, both positive and negative, on the ability of families to meet their needs;

C. Consider and determine the respective responsibilities of the public and private sectors in ensuring that working families have income adequate to meet their basic needs;

D. Evaluate the effectiveness of the Unemployment Insurance Program in meeting the needs of low wage part-time and seasonal workers when they become unemployed;

E. Examine the efficacy of a state earned income tax credit that would enable working families to meet the requirements of the basic needs budget;

F. Examine the wages, benefits and protection available to part-time and temporary workers, leased employees, independent contractors and other contingent workers as compared to regular full-time workers;

G. Solicit, receive and accept grants or other funds from any person or entity and enter into agreements with respect to these grants or other funds regarding the undertaking of studies or plans necessary to carry out the purposes of the commission; and

H. Request any necessary data from either public or private entities that relate to the needs of the commission.

4. Appointments; meetings; chair. Appointing authorities shall make all appointments to the commission by October 1, 1995 and report those appointments to the Chair of the Legislative Council, who shall call the first meeting. The commission shall elect a chair from among its members. The commission may not hold meetings during the Second Regular Session of the 117th Legislature.

5. Staff Assistance. The commission may request staffing assistance from the Legislative Council, except staff may not be assigned when the Legislature is in regular session.

6. Funding. The commission may seek outside sources of funding.

7. Reimbursement; mileage and other costs associated with participation on the commission. The members of the commission are not entitled to compensation or reimbursement for expenses or legislative per diem except that, to the extent that funds are available, legislative members may request

reimbursement for mileage from the Executive Director of the Legislative Council.

8. Report. The commission shall prepare and submit a report, including any legislation necessary to implement its recommendations, to the First Regular Session of the 118th Legislature by November 15th, 1996.

PART C

Sec. C-1. 24 MRSA §2349-A is enacted to read:

§2349-A. Medical child support

A corporation organized pursuant to this chapter must comply with 42 United States Code, Section 1396g-1.

Sec. C-2. 24-A MRSA §2742, sub-§5 is enacted to read:

5. Compliance. An insurer issuing policies under this chapter must comply with 42 United States Code, Section 1396g-1.

Sec. C-3. 24-A MRSA §2809, sub-§1-A, as enacted by PL 1985, c. 652, §51, is amended to read:

1-A. Any such policy of group health insurance ~~which~~ that provides coverage for family members or dependents of individuals in the insured group may not define the terms "family" or "dependent" to exclude from coverage those minor children of any covered individual who do not reside with that individual. Insurers must comply with 42 United States Code, Section 1396g-1.

Sec. C-4. 24-A MRSA §4237 is enacted to read:

§4237. Medical child support

A health maintenance organization must comply with 42 United States Code, Section 1396g-1.

Sec. C-5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1995-96

LEGISLATURE

Commission to Study Poverty Among Working Parents

All Other	\$500
Provides expenditure authorization if public or	

private funds are received to support activities of the Commission to Study Poverty Among Working Parents.

PART D

Sec. D-1. Commission established. The Commission on the Economic Impact of Time-limited Aid to Families with Dependent Children Benefits, referred to in this Part as the "commission," is established.

Sec. D-2. Commission membership. The commission consists of 9 members as follows:

1. Five members appointed by the Governor. The Governor shall appoint one member from this group to serve as chair of the commission;
2. Two members appointed by the President of the Senate; and
3. Two members appointed by the Speaker of the House of Representatives.

Appointments must be made within 30 days of the effective date of this Part.

Sec. D-3. Duties. The chair of the commission shall convene the first meeting no later than December 1, 1995. The commission shall study all issues related to Aid to Families with Dependent Children time limits in the State, including, but not limited to:

1. Evaluation of other states' waivers and program design on time-limited benefits and the impacts on the Aid to Families with Dependent Children population, other public and private systems, the labor market and the states' economies;
2. Analysis of the Aid to Families with Dependent Children caseload in the State, by time, deprivation reasons and the issues that increase reliance on Aid to Families with Dependent Children benefits such as, but not limited to, vocational dysfunction, labor market declines, health care systems, economic support networks such as unemployment compensation, child support enforcement, housing subsidy and workers' compensation; and
3. Research the impact on the State's economy if Aid to Families with Dependent Children benefits were time-limited.

Sec. D-4. Freedom of access; confidential information. Meetings of the commission are public meetings and records and papers of the commission are public records for the purposes of the freedom of access laws, pursuant to the Maine

Revised Statutes, Title 1, chapter 13, subchapter I; except that information obtained about individual Aid to Families with Dependent Children cases will remain confidential in accordance with rules of the Department of Human Services.

Sec. D-5. Staffing. The Department of Human Services shall provide staffing and may, within existing resources, obtain technical assistance by organizations with expertise in economics, business, job creation and welfare-to-work programs.

Sec. D-6. Compensation; reimbursement. The members of the commission are not entitled to compensation or reimbursement for expenses related to attendance at meetings of the commission.

Sec. D-7. Report. The commission shall submit its report and recommendations regarding time-limited Aid to Families with Dependent Children benefits to the joint standing committee of the Legislature having jurisdiction over human resources matters no later than February 1, 1996. The committee may submit legislation relating to the report to the Second Regular Session of the 117th Legislature.

See title page for effective date.

CHAPTER 419

S.P. 556 - L.D. 1516

An Act to Amend the Laws Governing Child Support

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

Whereas, enactment of this legislation provides the Department of Human Services with more tools to collect child support payments from responsible parents;

Whereas, collecting more child support reduces the Aid to Families with Dependent Children costs to the State; 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. 4 MRSA §807, sub-§3, ¶G, as amended by PL 1991, c. 885, Pt. E, §4 and affected by §47, is further amended to read:

G. A person who is not an attorney, but is representing a party in any hearing, action or proceeding before the Workers' Compensation Board as provided in Title 39-A, section 317; ~~or~~

Sec. 2. 4 MRSA §807, sub-§3, ¶H, as repealed and replaced by PL 1989, c. 858, §1, is amended to read:

H. A person who is not an attorney, but has been designated to represent either the Department of Human Services, under Title 22, section 3473, subsection 3, or the Department of Mental Health and Mental Retardation, under Title 34-B, section 1204, subsection 7, in Probate Court proceedings; ~~or~~

Sec. 3. 4 MRSA §807, sub-§3, ¶I is enacted to read:

I. A person who is not an attorney, but is representing the Department of Human Services in a child support enforcement matter as provided by Title 14, section 3128-A, subsection 7 and Title 19, section 504-C, subsection 10. This paragraph is repealed October 1, 1998.

Sec. 4. 9-B MRSA §161, sub-§2, ¶D, as amended by PL 1981, c. 501, §28, is further amended to read:

D. The making of reports or returns required under the United States Internal Revenue Code, chapter 61, ~~and~~ including the submission of information concerning interest earned on accounts, investigatory activity authorized by the United States Internal Revenue Code and any use to which the reports or returns would be subjected once submitted;

Sec. 5. 9-B MRSA §161, sub-§2, ¶I, as amended by PL 1995, c. 86, §1, is further amended to read:

I. Any disclosure of records made pursuant to Title 22, section 16, 17 or 4314;

Sec. 6. 14 MRSA §3121, sub-§3, as enacted by PL 1971, c. 408, §1, is amended to read:

3. Judgment creditor. "Judgment creditor" means any person, corporation, partnership or other entity who or which is the owner of any judgment unsatisfied in whole or in part, and the Department of Human Services when it is collecting child support.