

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

4. Transfer from the program. Notwithstanding section 1585, any balance remaining in the program after July 31, 2007 must be transferred to the Maine Rainy Day Fund as established in section 1513.

5. Investment of funds. The money in the program may be invested as provided by law with the earnings credited to the program.

6. Criteria for approval. Prior to issuing a certificate of approval to a business, the commissioner must find that the applicant qualifies as a certified retained business. Notwithstanding the provisions of this section, the commissioner may not accept or certify an application for a certified retained business that is submitted by the applicant after February 28, 1997.

Sec. 3. Report. The joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and economic development matters shall review the public policy considerations of the Job Retention Program to retain jobs as established in this Act and may report out legislation to the First Regular Session of the 118th Legislature to implement one or more of its recommendations.

Effective December 7, 1996.

CHAPTER 707

H.P. 1394 - L.D. 1895

An Act to Authorize the Department of Human Services to Accept Federal Funds and to Make Certain Expenditures

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

Whereas, federal and Other Special Revenue funds are required for implementation of the Maine Automated Child Welfare Information System; and

Whereas, the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was signed into law on August 22, 1996; and

Whereas, the State has the opportunity to receive additional federal funds which will otherwise be lost unless the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 funds are allocated by the Legislature; and

Whereas, the 90-day period will not terminate until after the State has the opportunity to accept federal block grant funds under the federal Personal

Responsibility and Work Opportunity Reconciliation Act of 1996; and

Whereas, the transfer of funds by financial order is currently prohibited; 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:

PART A

Sec. A-1. PL 1995, c. 665, Pt. U, §1, last sentence is amended to read:

The State Controller shall make transfers from the fund to General Fund undedicated revenue in amounts equal to appropriations approved by the Legislature from Maximus revenue each fiscal year less contract fees.

Sec. A-2. Allocation. The following funds are allocated from the Federal Expenditure Fund for the fiscal year ending June 30, 1997 to carry out the purposes of this Part.

1996-97

**HUMAN SERVICES,
DEPARTMENT OF
Administration - Social Services**

All Other	\$4,197,079
Capital Expenditures	2,706,634

Provides for the allocation of funds for the Maine Automated Child Welfare Information System, MACWIS.

**DEPARTMENT OF HUMAN SERVICES
TOTAL**

\$6,903,713

Sec. A-3. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 1997 to carry out the purposes of this Part.

1996-97

**HUMAN SERVICES,
DEPARTMENT OF**

Administration - Social Services

All Other \$2,213,027

Notwithstanding Public Law 1995, chapter 665, Part U, section 1, provides for the allocation of funds from Maximus-related initiatives, other than targeted case management, for the Maine Automated Child Welfare System, MACWIS.

Child Welfare Services

All Other 500

Provides a base allocation to pay Maximus fee obligations.

DEPARTMENT OF HUMAN SERVICES TOTAL

\$2,213,527

Sec. A-4. Retroactivity. Section 1 of this Part applies retroactively to April 1, 1996.

PART B

Sec. B-1. Authorization to accept Federal Block Grant Funds. Effective October 1, 1996, the Department of Human Services may accept Federal Block Grant Funds provided to the State under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193.

Sec. B-2. Authorization to expend Federal Block Grant Funds. The Department of Human Services may expend Federal Block Grant Funds provided to the State under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 in accordance with federal allocation and certain related Other Special Revenue allocation levels previously authorized by the 117th Legislature and in accordance with the Department of Human Services rules existing on the effective date of this Part on pass-through of child support funds, except that authority to expend funds on the pass-through of child support funds terminates on April 1, 1997. If the amount of block grant funds received under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, however, is greater than the amount previously allocated by the 117th Legislature, the additional amounts accrue in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Block Grant account until allocation of these funds by the Legislature.

Sec. B-3. Compliance with federal law.

Notwithstanding any other provision of law, the Department of Human Services shall comply with all federal block grant funding restrictions under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The department shall also expend federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Federal Block Grant Funds within the limitations of section 5 of this Part to maintain all state welfare programs authorized on the effective date of this Part by state laws and rules, except that authority to expend funds on the pass-through of child support funds and legal immigrant families terminates on April 1, 1997.

Sec. B-4. Full implementation of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The Department of Human Services shall submit legislation proposing expenditures of accrued federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Federal Block Grant Funds as referred to in section 2 of this Part and any other related changes to Maine's welfare programs to implement the federal Personal Responsibility and Work Opportunity Act of 1996 to the Legislature no later than April 1, 1997.

Sec. B-5. Allocations. The following funds are allocated from the Federal Block Grant Funds under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Federal Block Grant for the fiscal year ending June 30, 1997 to carry out the purposes of this Part.

1996-97

ATTORNEY GENERAL, DEPARTMENT OF

Human Services Division

Unallocated \$5,049

Provides for the allocation of funds pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Attorney General shall recommend to the State Budget Officer the amounts, by line category, related to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The State Budget Officer shall distribute those amounts to the

recommended line category as allocated adjustments.

DEPARTMENT OF THE ATTORNEY GENERAL TOTAL

\$5,049

HUMAN SERVICES, DEPARTMENT OF

Departmentwide

Unallocated \$44,627,128

Provides for the allocation of funds pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Commissioner of Human Services shall recommend to the State Budget Officer the amounts that apply to each Federal Block Grant Program in the Department of Human Services related to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The State Budget Officer shall apply those amounts against each Federal Block Grant Program in the Department of Human Services as allocated adjustments.

DEPARTMENT OF HUMAN SERVICES TOTAL

\$44,627,128

SECTION B-5 TOTAL

\$44,632,177

Sec. B-6. Budget plans. The Commissioner of Human Services shall submit Federal Expenditure Fund, Other Special Revenue and Federal Block Grant Fund allocations to the First Regular Session of the 118th Legislature to comply with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

PART C

Sec. C-1. 5 MRSAs §1669-A is enacted to read:

§1669-A. Block grants

1. Procedure for changes. Any change from federal categorical grants to federal block grants may not be implemented on the state level without recommendations from the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and approval by the Legislature.

2. Allocation. Expenditures may not be made from any block grants unless allocation of such funds is recommended by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and approved by the Legislature.

3. Reductions. If actual receipt of funds from any block grants is less or is anticipated to be less than the amount allocated, such reduction must immediately be reported to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which shall recommend any necessary changes in the allocations and appropriations to a special session of the Legislature, or if such reductions are determined to be manageable in the time between sessions to the next regular session of the Legislature.

Sec. C-2. Effective date. This Part takes effect February 1, 1997.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective September 16, 1996, unless otherwise indicated.