

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

D. A person who intentionally violates this subsection is subject to a civil penalty not to exceed \$1,000, payable to the State and recoverable in a civil action.

See title page for effective date.

CHAPTER 530

S.P. 671 - L.D. 1896

An Act Regarding Temporary Assistance for Needy Families and Welfare Reform

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

Whereas, funding for programs, services and equipment needed to meet the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and to further welfare reform in the State is dependent on enactment of the provisions of this legislation; 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. 5 MRSA §12004-I, sub-§36, as amended by PL 1993, c. 360, Pt. C, §1, is repealed.

Sec. A-2. 5 MRSA §12004-I, sub-§36-C is enacted to read:

<u>36-C.</u> <u>Human Services</u>	<u>Temporary Assistance for Needy Families Advisory Council</u>	<u>Not Authorized</u>	<u>22 MRSA §3789-D</u>
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Sec. A-3. 19 MRSA §776, sub-§1, ¶B, as enacted by PL 1979, c. 668, §6, is amended to read:

B. "Public assistance" means public assistance as provided under Title 22, section 3173, 3271 ~~or 3741, 3762 or 3790.~~

Sec. A-4. 19-A MRSA §2605, sub-§1, ¶A, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

A. "Public assistance" means public assistance as provided under Title 22, section 3173, 3271 ~~or 3741, 3762 or 3790.~~

Sec. A-5. 20-A MRSA §10908, first ¶, as amended by PL 1993, c. 360, Pt. C, §2, is further amended to read:

In conjunction with the Maine ~~Aid to Families with Dependent Children~~ Temporary Assistance for Needy Families Advisory Council established pursuant to Title 22, section ~~3774~~ 3789-D, the University of Maine System:

Sec. A-6. 22 MRSA §9-A, sub-§1, ¶A, as enacted by PL 1989, c. 566, is amended to read:

A. "Public assistance" means any of the following:

- (1) ~~Aid to families with dependent children Temporary assistance for needy families~~ under chapter 1053 1053-B;
- (2) Food stamp assistance under section 3104;
- (3) General assistance under chapter 855 and any state-funded portion under chapter 1161; ~~and~~
- (4) Medical assistance under chapter 855; ~~or~~
- (5) Assistance under the Parents as Scholars Program pursuant to chapter 1054-B.

Sec. A-7. 22 MRSA §16, sub-§1, ¶C, as reenacted by PL 1985, c. 819, Pt. A, §24, is amended to read:

C. "Public assistance" means aid, assistance or benefits available through:

- (1) A program of ~~aid to families with dependent children temporary assistance for needy families~~ administered in this State pursuant to chapter ~~1053~~ 1053-B ~~or the Parents as Scholars program pursuant to chapter 1054-B;~~
- (2) A program of medical assistance administered in this State pursuant to chapter 855; or
- (3) Any other program that is based on need and is conducted or administered by this State.

Sec. A-8. 22 MRSA §21, sub-§1, as enacted by PL 1995, c. 675, §1, is amended to read:

1. AFDC. "AFDC" means the Aid to Families with Dependent Children program administered pursuant to former chapter 1053.

Sec. A-9. 22 MRSA §21, sub-§8-A and 11-A are enacted to read:

8-A. Parents as Scholars Program. "Parents as Scholars" means the program established in chapter 1054-B.

11-A. Temporary Assistance for Needy Families. "Temporary Assistance for Needy Families" means the program established in chapter 1053-B.

Sec. A-10. 22 MRSA §22, first ¶, as enacted by PL 1995, c. 675, §1, is amended to read:

The department is authorized to establish an electronic benefit transfer system for the issuance of benefits under the AFDC, food stamp, Temporary Assistance for Needy Families, Parents as Scholars and Medicaid programs.

Sec. A-11. 22 MRSA §3733, as enacted by PL 1993, c. 158, §2, is amended to read:

§3733. Designated agency

To the extent permitted by federal law, the department shall coordinate and administer all available federal and state child care funds, including, but not limited to, those available under the federal United States Social Security Act, Title IV, Part A and Title XX; the federal Family Support Act of 1988; the federal Omnibus Budget Reconciliation Act of 1990, Section 5081; and the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105.

Sec. A-12. 22 MRSA §3734, sub-§2, as enacted by PL 1993, c. 158, §2, is amended to read:

2. Block grant funds encumbered. Within 6 months of receiving any payment under the federal Child Care and Development ~~Block Grant Program~~ Fund, the department shall expend or encumber 100% of the payment.

Sec. A-13. 22 MRSA §3735, as enacted by PL 1993, c. 158, §2, is amended to read:

§3735. Child care for ASPIRE-TANF participants

The department shall ensure that all persons referred for participation in the State's ~~ASPIRE JOBS~~ ASPIRE-TANF program receive information regard-

ing child care options from caseworkers who are knowledgeable about the range of child care subsidies available in this State and who can explain the relative advantages of each option. This may be done directly by the department or by the department's designee.

Sec. A-14. 22 MRSA §3739, sub-§5, ¶E, as enacted by PL 1993, c. 158, §2, is amended to read:

E. ~~Determine~~ Advise how the State can better use child care funds available under the federal Social Security Act, ~~Title IV, Part A, particularly those funds available through the federal Transitional Child Care Program;~~ and develop a proposal to use federal and state funds to supplement the earned income disregard for families receiving ~~aid to families with dependent children~~ temporary assistance for needy families;

Sec. A-15. 22 MRSA c. 1053, as amended, is repealed.

Sec. A-16. 22 MRSA c. 1053-B is enacted to read:

CHAPTER 1053-B

**TEMPORARY ASSISTANCE FOR
NEEDY FAMILIES**

**§3762. Temporary assistance for needy families;
promotion of economic self-support**

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

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

A. "ASPIRE-TANF" means the ASPIRE-TANF program established in section 3781-A.

B. "Domestic violence" has the same meaning as provided in Section 408(a)(7)(C)(iii) of PRWORA.

C. "Federal poverty level" means the nonfarm income official poverty line for a family of the size involved, as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2.

D. "PRWORA" means the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105.

E. "TANF" means the Temporary Assistance for Needy Families program, under the United States Social Security Act, as amended by PRWORA. "TANF" provides temporary assistance to needy, dependent children and their parents or caretaker relatives.

2. Collaboration. The department shall work collaboratively with the following agencies and entities to provide efficient and effective services that lead to self-support for Maine's families receiving TANF assistance:

A. The state agency responsible for child care services;

B. The Department of Labor for services including employment and job training partnership services and vocational services;

C. The Department of Mental Health, Mental Retardation and Substance Abuse Services;

D. The Department of Transportation;

E. The Department of Education and local providers of programs under the federal Adult Education Act, 20 United States Code, Section 1201 et seq. and the federal Carl D. Perkins Vocational and Applied Technology Education Act, 20 United States Code, Section 2301 et seq.;

F. The Department of Economic and Community Development;

G. Statewide organizations that work with women on self-sufficiency and employment opportunities;

H. The municipalities of the State both individually and collectively;

I. The Maine Technical College System;

J. The University of Maine System; and

K. Local service providers appropriate for TANF participants.

3. Administration. The department may administer and operate a program of aid to needy dependent children, called "Temporary Assistance for Needy Families" or "TANF," who are deprived of support or care due to the death, continued absence, physical or mental incapacity of a parent or the unemployment or underemployment of the principal wage earner in accordance with the United States Social Security Act, as amended by PRWORA, and this Title.

A. The department shall adopt rules as necessary to implement and administer the program. The

rules must include eligibility criteria, budgeting process, benefit calculation and confidentiality. The confidentiality rules must ensure that confidentiality is maintained for TANF recipients at least to the same extent that confidentiality was maintained for families in the Aid to Families with Dependent Children program unless otherwise required by federal law or regulation.

B. The department may use funds, insofar as resources permit, provided under and in accordance with the United States Social Security Act or state funds appropriated for this purpose or a combination of state and federal funds to provide assistance to families under this chapter. In addition to assistance for families described in this subsection, funds must be expended for the following purposes:

(1) To continue the pass-through of the first \$50 per month of current child support collections and the exclusion of the \$50 pass-through from the budget tests and benefit calculations;

(2) To provide financial and medical assistance to certain noncitizens legally admitted to the United States. Recipients of assistance under this subparagraph are limited to the categories of noncitizens who would be eligible for the TANF or Medicaid programs but for their status as aliens under PRWORA. Eligibility for the TANF and Medicaid programs for these categories of noncitizens must be determined using the criteria applicable to other recipients of assistance from these programs;

(3) To provide benefits to certain 2-parent families whose deprivation is based on physical or mental incapacity;

(4) To provide an assistance program for needy children, 19 to 21 years of age, who are in full-time attendance in secondary school. The program is operated for those individuals who qualify for TANF under the United States Social Security Act, except that they fail to meet the age requirement, and is also operated for the parent or caretaker relative of those individuals. Except for the age requirement, all provisions of TANF, including the standard of need and the amount of assistance, apply to the program established pursuant to this subparagraph;

(5) To provide assistance for a pregnant woman who is otherwise eligible for assistance under this chapter, except that she has no dependents under 19 years of age. An

individual is eligible for the monthly benefit for one eligible person if the medically substantiated expected date of the birth of her child is not more than 90 days following the date the benefit is received;

(6) To provide a special housing allowance for TANF families whose shelter expenses for rent, mortgage or similar payments, homeowners insurance and property taxes equal or exceed 75% of their monthly income. The special housing allowance is limited to \$50 per month for each family. For purposes of this subparagraph, "monthly income" means the total of the TANF monthly benefit and all income countable under the TANF program, plus child support received by the family, excluding the \$50 pass-through payment; and

(7) In determining benefit levels for TANF recipients living in Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo and York counties who have earnings from employment, the department shall disregard from monthly earnings the following:

(i) One hundred and fifty dollars;

(ii) Fifty percent of the remaining earnings that are less than the federal poverty level; and

(iii) All actual child care costs necessary for work, except that the department may limit the child care disregard to \$175 per month per child, or \$200 per month per child under 2 years of age or with special needs.

The monthly benefit is the lower of the maximum payment level or the difference between the countable earnings and the standard of need.

Assistance provided under this subparagraph may not be paid for with federal funds provided under the United States Social Security Act, Title IV-A, provided that the state funds used for this subparagraph may be counted, without penalty, towards the State's federal maintenance of effort requirement.

The department shall evaluate the impact of calculating the earned income disregard in accordance with this subparagraph and shall report its findings to the joint standing committee of the Legislature having juris-

dition over health and human services matters by February 15, 2000.

4. 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. Applicants for and recipients of assistance may refuse to cooperate in the establishment of paternity or child support enforcement for good cause related to domestic violence, including situations when cooperation may result in harm to the parent or child, or when the child was conceived as a result of incest or rape. Evidence supporting a good cause determination includes, but is not limited to, the evidence specified in section 3785, subsection 13. The department shall notify all applicants and recipients orally and in writing of the availability of this determination. When a determination of good cause is made by the department, the department may not impose sanctions or penalties against the applicant or recipient or engage in any other activity that could subject any member of the family to harm.

5. Move to sustainable employment. The department shall assist parents who receive TANF assistance to move as quickly as possible into employment that will sustain the family.

6. Training; partnerships. The department shall increase the employability of parents who receive TANF assistance through on-the-job training and strengthening the public and private workforce partnership by developing training sites and jobs for those parents.

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

8. Transitional support services. The department shall administer a program of transitional support services in accordance with PRWORA and this subsection.

A. The department shall administer a program of transitional Medicaid to families in accordance with this paragraph.

(1) The department shall provide transitional Medicaid to families whose average gross monthly earnings, less such costs to the family for child care as is necessary for employment, do not exceed 185% of the federal poverty guidelines in accordance with PRWORA and this subsection. In order to receive transitional Medicaid as the result of increased earnings or number of hours worked, a family must have received

TANF assistance for at least 3 of the last 6 months, except as provided in subparagraph 2.

(2) The department shall provide transitional Medicaid for families whose eligibility for TANF assistance terminated due to employment obtained through work search activities pursuant to this chapter, in which case the family must have received TANF assistance for at least one of the last 3 months.

(3) To continue to receive transitional Medicaid assistance following the first 6 months of coverage, a family entering the transitional Medicaid program prior to federal approval or waiver under subparagraph 4 with income above 133% of the federal poverty guidelines must pay premiums in accordance with rules adopted by the department. If a family entering the transitional Medicaid program after federal approval or waiver has average gross monthly earnings, less average monthly costs for such child care as is necessary for employment, that are above 100% of the federal poverty guidelines, then that family shall pay, beginning in their 7th month of receiving transitional Medicaid, monthly premiums equal to 3% of that family's average gross monthly earnings, less the average monthly costs for such child care as is necessary for employment.

(4) By October 1, 1997, the department shall have taken reasonable steps to seek a federal waiver, approval of a state plan modification under Section 114 of PRWORA or any other appropriate action to secure federal approval to use federal matching funds to extend transitional Medicaid assistance for 2 years beyond the families' initial 1-year period of eligibility. Beginning on February 1, 1998, or at the time that the department receives the federal approval or waiver, whichever is later, the department shall provide extended benefits under this subparagraph to families that qualify under subparagraph (1) or (2) and that meet the requirements of the transitional Medicaid program.

(5) The department shall provide transitional Medicaid for 4 months to families whose eligibility for TANF assistance terminated due to an increase in the amount of child support received by the family.

(6) The department shall require reporting of income or circumstances for the purpose of determining eligibility and premium payments for benefits under this paragraph in accordance with rules adopted by the department.

(7) The scope of services provided under this paragraph must be the same as the scope of services provided when a family received TANF assistance.

B. The department shall provide limited transitional transportation benefits to meet employment-related costs to ASPIRE-TANF program participants who lose eligibility for TANF assistance due to employment. Benefits must be provided for 90 days following loss of TANF eligibility. The department may adopt rules that impose a weekly limit on available transitional transportation benefits and that require a contribution from each participant toward the cost of transportation.

C. The department shall make available transitional child care services to families who lose eligibility for TANF as a result of increased earnings or an increase in the number of hours worked and whose gross income is equal to or less than 85% of the State's median income for a family of comparable size. The family shall pay a premium of 2% to 10% of gross income, based on the family's gross income compared to the federal poverty level in accordance with rules adopted by the department. The department shall establish maximum rates for child care that are at least equal to the 75th percentile of local market rates for various categories of child care and higher rates for children with special needs. Parents must have a choice of child care within the rate established by the department.

9. Procedures. The following procedural requirements apply to the program:

A. The department shall make information on the program available to the public in written form understandable at the 6th-grade reading level and orally, as needed.

B. The department shall take written applications for assistance, which must be available on request. The department shall provide the applicant written notice of the granting or denial of assistance within 30 days of application. If the family is granted assistance, the notice must state the amount of the benefit. Assistance must be provided promptly to an eligible family without any delay attributable to the administrative process and must be continued regularly to all eligible individuals until they are found to be

ineligible. Applicants and recipients must be provided with timely and adequate notice of any intended action to discontinue, terminate, suspend or reduce assistance or to change the manner of paying cash assistance to a protective payee, vendor or through a 2-party payment. Notices under this paragraph must inform the applicant of the right to a fair hearing before an impartial hearing officer and also inform the applicant how to request a hearing. Hearing requests may be made orally or in writing. Hearings must be conducted pursuant to the Maine Administrative Procedure Act.

C. The department shall establish uniform statewide eligibility criteria and benefit levels under the TANF program except as provided in this chapter or chapter 1054-A. Eligibility criteria and benefit levels may not result in cash assistance levels below those in effect on June 1, 1997.

10. Domestic violence. The following provisions apply with regard to victims of domestic violence.

A. The department shall provide all applicants for assistance under this chapter with information both orally and in writing of the availability of services for victims of domestic violence and of the good cause determination for victims of domestic violence under section 3785, subsection 13. If an applicant requests a good cause determination under section 3785, subsection 13, the department shall promptly determine whether the applicant qualifies for good cause. An individual may not be required to participate in any TANF activity including orientation until the good cause determination is made.

B. When a determination of good cause is made under section 3785, subsection 13, the ASPIRE-TANF program may contact the individual and offer domestic violence victim services or other appropriate services on a voluntary basis.

11. Treatment of lump sum income. For the purpose of determining eligibility for and the amount of assistance under TANF, the department shall treat any nonrecurring lump sum income received by a family in accordance with this subsection.

A. Nonrecurring lump sum income includes, but is not limited to, personal injury awards, lottery winnings, inheritances and similar nonrecurring forms of income. It does not include income earmarked by the payor for particular expenses such as awards or insurance proceeds earmarked for medical expenses, attorney's fees or the replacement of lost property. Proceeds from the conversion of a nonliquid asset to a liquid asset

must be treated as an asset and not as nonrecurring lump sum income.

B. Up to \$10,000 of nonrecurring lump sum income must be disregarded as income and excluded as an asset if used for the following purposes within 30 days of its receipt:

(1) Deposit in a separate identifiable account, approved by the department. Withdrawals from such an account may only be for the purposes identified in subparagraphs (2) to (6) and paragraph C;

(2) Expenses for education or job training to attend an accredited or approved post-secondary education or training institution;

(3) The purchase or repair of a home that is the family's principal residence;

(4) The purchase or repair of a vehicle used for transportation to work or to attend an education or training program;

(5) Capital to start a small business for any family member 18 years of age or older; or

(6) Placement in a family development account authorized by state law, to the extent that the total balance of such an account remains below \$10,000.

C. The department shall disregard from income and exclude as an asset nonrecurring lump sum income used within 30 days of receipt or money withdrawn from an account established pursuant to paragraph B, subparagraph (1) or (6), if it is used for the purposes stated in paragraph B, subparagraphs (2) to (6) or to meet the following needs:

(1) Health care costs of a household member that are medically necessary and that are not covered by public or private insurance;

(2) To address an emergency that may cause the loss of shelter, employment or other basic necessities; or

(3) To address other essential family needs approved by the department.

D. Nonrecurring lump sum income in excess of the asset limit established in the TANF program that is used for purposes other than those enumerated in paragraphs B or C and nonrecurring lump sum income in excess of \$10,000 plus that asset limit must be counted as income and cause the household to be disqualified from receiving TANF assistance under this chapter. The house-

hold is disqualified for a period of months calculated by dividing the income countable under this paragraph by the standard of need established by the department for the household.

12. Information about and application for Parents as Scholars. When there are fewer than 2000 enrollees in the Parents as Scholars Program under chapter 1054-B, the department shall inform all persons applying for TANF assistance and all recipients reviewing or requesting to amend their participation in the program of the Parents as Scholars Program and shall offer them the opportunity to apply for the program.

13. Reports to Legislature. The department shall provide information annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters in order to allow the Legislature to evaluate the TANF program. Such information must include but is not limited to the number of TANF households and family members, a comparison of TANF eligibility levels with the federal poverty level, the number of TANF participants in training, education and work activity components and the rates at which individuals who have found employment through ASPIRE-TANF return to the TANF program.

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

§3763. Program requirements

1. Family contract. During the TANF orientation process, a representative of the department and the TANF recipient shall enter into 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 the ASPIRE-TANF program and referral to parenting activities and health care services. Except as provided in section 3762, subsection 4, 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. Failure to comply with referrals to parenting activities or health care services without good cause will result in a review and evaluation of the reason for noncompliance by the representative of the department and may result in sanctions. Written copies of the family contract and a notice of the right to a fair hearing must be given to the individual. The family contract must

be amended in accordance with section 3788 when a participant enters the ASPIRE-TANF program and when participation review occurs.

2. Participation. A recipient of TANF shall participate in an education, training or employment program pursuant to this chapter unless exempt under paragraph A, B or C. The following individuals are exempt:

A. A recipient who is the single custodial parent or a caretaker relative of a child under one year of age and is personally providing care for that child. This exemption is limited to no more than 12 months per single custodial parent or caretaker relative;

B. A recipient who is not a parent or a caretaker relative; and

C. A recipient who is a VISTA volunteer under the federal Domestic Volunteer Service Act of 1973.

3. Custodial parents not yet 20 years of age. A custodial parent under 20 years of age who is a recipient of TANF and has not completed high school or its equivalent shall participate in the ASPIRE-TANF 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.

4. Households headed by minor parents. The following requirements apply to a custodial parent who is under 18 years of age and is not married:

A. The family 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) The minor parent does not have a living parent or legal guardian whose whereabouts are known;

(2) 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) The minor parent lived apart from the minor's own parent or legal guardian for a period of at least one year before the birth of the dependent child or the minor parent's application for TANF;

(4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if that minor parent or dependent child resided in the

same residence with the minor parent's parent or legal guardian; or

(5) There exists other good cause, as defined by rule adopted by the department; and

B. TANF benefits must be distributed in the form of vouchers.

5. Home visit. The department may implement a home visit program in which a representative of the department may visit the homes of all applicants for and recipients of TANF for the following purposes:

A. To review the family contract;

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.

6. Substantiation of eligibility. The department may appropriately substantiate the facts supporting eligibility stated in any application for TANF assistance. The department shall adopt rules for substantiating relevant facts. The rules must provide for assisting the applicant in obtaining substantiating information when necessary.

7. Earned income tax credit. The department shall advise applicants and recipients of Temporary Assistance for Needy Families regarding the federal earned income tax credit, including the opportunity to receive it as an advanced payment.

8. 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 TANF grant for which the family is eligible. If the family reapplies for TANF 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 TANF. The method of repayment must be the same as that used for the repayment of unintentional overpayments in the TANF program.

9. Emergency assistance. The department shall establish and operate a program of emergency assistance to needy families with children. This program must provide benefits to needy families with children in emergency situations in which the family is deprived of the basic necessities essential to its support, including but not limited to, fire and other natural disasters, terminations of utility service or lack of adequate shelter.

A. In determining what constitutes an emergency with respect to utility terminations, the department shall grant assistance when an otherwise qualified family has received a disconnection notice and has exhausted their ability to negotiate and pay the terms of a reasonable payment arrangement.

B. The program may not be used to supplant local responsibility for operating or funding a general assistance program.

C. The department may not expend more than \$750,000 annually of state general assistance funds for the purposes of covering the cost of services set out in this subsection.

10. Home survival skills. The department shall provide and may contract with public and private nonprofit agencies to provide instruction and experiential education for TANF recipients in nutrition, food preparation and home and money management.

§3764. Federal grants

The Treasurer of State is the appropriate fiscal officer of the State to receive federal grants on account of the TANF program and administration of those grants, in accordance with the United States Social Security Act, and the State Controller shall authorize expenditures as approved by the department.

§3765. Payments to guardian or conservator

When a relative with whom a child is living is found by the department to be incapable of taking care of the child's money, payment may be made only to a legally appointed guardian or conservator and, notwithstanding Title 18-A, Article V, Part 4, in the matter of infirmities of age or physical disability to manage the child's estate with prudence and understanding, the Probate Court may appoint any suitable person as a conservator.

§3766. Inalienability of assistance

All rights to public assistance are absolutely inalienable by any assignment, sale, execution, pledge or otherwise and may not pass, in case of insolvency or bankruptcy, to any trustee, assignee or creditor.

§3767. Parental responsibility

The parents of a child receiving assistance under this chapter are responsible for partial or total support of that child, if they are of sufficient ability. In determining the ability of the parents, the department must consider the assets and income of the parent.

The department may bring proceedings in the District Court or Superior Court in the county where

the child resides or in the county where the parent may be found to compel any person liable under this section to contribute to the support of any child receiving that assistance if, after reasonable efforts on the part of the department, voluntary contributions have not been made. The department shall bring the action as a petition for support upon not less than 7 days' notice. The court may order either one or both parents of the child to contribute to the support of the child by paying money weekly or monthly as determined in accordance with Title 19, chapter 7, subchapter I-A and Title 19-A, chapter 63 and may enforce obedience by appropriate decrees, execution issuing for that money when payable. An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child or an order to provide a policy or contract for coverage of those expenses. When a parent is committed to jail as a defendant on execution under this section, the county having jurisdiction of the process shall bear the expense of the defendant's commitment and support. The defendant may petition the court issuing that execution for relief and the judge of the court, after due notice to the department and hearing on the petition, may order the defendant's discharge from imprisonment on the terms and conditions justice requires.

§3768. Fraud in obtaining aid, civil recovery

Any sums paid to or in behalf of any person under sections 3762 to 3765, as a result of any false statement, misrepresentation or concealment of assets or income, may be recovered in a civil action brought by the department against the person to whom such money was paid.

§3769. Disbursements

1. Payment priority. Payments made on behalf of the department for TANF assistance, the Parents as Scholars Program under chapter 1054-B and for foster care have priority over other payments and must be made without delay whether or not they are pursuant to a state plan or contract. The department shall cooperate with other state agencies to accomplish priority payments.

2. Transfer of funds. Notwithstanding any provision of law, except Title 5, section 1585, the department is authorized to transfer to the ASPIRE account, established in Public Law 1997, chapter 24, as often as twice per fiscal year funds representing cost savings within the TANF program resulting from ASPIRE-TANF 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-TANF 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 committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters a report twice per year on the amount of funds transferred and the number of ASPIRE-TANF program participants entering employment.

§3769-A. Rulemaking

The department shall adopt rules to implement this chapter. Except as specifically provided, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. A-17. 22 MRSA §3774, as repealed and replaced by PL 1993, c. 360, Pt. C, §4, is repealed.

Sec. A-18. 22 MRSA §3781-A, as amended by PL 1995, c. 418, Pt. A, §25, is further amended to read:

§3781-A. Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families established

1. ASPIRE-TANF program defined. "ASPIRE-~~JOBS Program~~ ASPIRE-TANF program" means the Additional Support for People in Retraining and Employment - ~~Job Opportunities and Basic Skills Training Program~~ Temporary Assistance for Needy Families program established pursuant to this chapter and the ~~Family Support Act~~ federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. "TANF" means the program created in chapter 1053-B.

2. Administration. The ~~ASPIRE JOBS Program~~ ASPIRE-TANF 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~~ Temporary Assistance for Needy Families and to reduce dependence on public assistance to the extent that adequate funding is available for that purpose. The principal goal is to 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-19. 22 MRSA §3782-A, as amended by PL 1995, c. 418, Pt. A, §26, is further amended to read:

§3782-A. ASPIRE-TANF program

1. Case management services. The department shall provide case management services to individuals participating in the ~~ASPIRE JOBS Program~~ ASPIRE-TANF program, referred to in this section as the "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 Employment - ~~Job Opportunities and Basic Skills Training Program~~ Temporary Assistance for Needy Families program services for recipients of ~~Aid to Families with Dependent Children~~ Temporary Assistance for Needy Families 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.

5. Child care during participation in employment, education and training. The department shall provide child care in accordance with federal law and this Title when the child care is necessary to

permit a TANF-eligible family member to participate in the ASPIRE-TANF program.

The department shall provide an ASPIRE-TANF 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-TANF program.

6. Rulemaking. The department shall adopt rules to implement this subsection. Except as specifically provided, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. A-20. 22 MRSA §3785, first ¶, as amended by PL 1993, c. 385, §18, is further amended to read:

An individual may not be sanctioned under this program or ~~Aid to Families with Dependent Children~~ Temporary Assistance for Needy Families for failure to participate in the ~~ASPIRE JOBS Program~~ ASPIRE-TANF program if that failure to participate is based on good cause. Each individual participating in an ASPIRE-TANF orientation must receive written and oral notice of what constitutes good cause for nonparticipation in ASPIRE-TANF including the domestic violence exception. Good cause for failure to participate in this program must be found when there is reasonable and verifiable evidence of:

Sec. A-21. 22 MRSA §3785, sub-§6, as amended by PL 1993, c. 385, §18, is further amended to read:

6. Assignment to another activity. Assignment by the department to an activity or component that has not been made part of the ~~individual opportunity~~ service family contract;

Sec. A-22. 22 MRSA §3785, sub-§8, as amended by PL 1995, c. 418, Pt. A, §27, if 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-23. 22 MRSA §3785, sub-§12, as amended by PL 1993, c. 385, §18, is further amended to read:

12. Other good cause. Any other reason resulting in failure to participate that is beyond the control

of the individual or that a reasonable person would determine to be good cause; or

Sec. A-24. 22 MRSA §3785, sub-§13 is enacted to read:

13. Domestic violence. Inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of abuse; because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other good cause related to domestic violence. For the purposes of this subsection, reasonable and verifiable evidence may include but is not limited to the following:

A. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence; or

B. Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual.

Sec. A-25. 22 MRSA §3786, 2nd ¶, as amended by PL 1993, c. 385, §19, is further amended to read:

Rules governing services provided under this chapter apply equally to all participating ~~Aid to Families with Dependent Children~~ Temporary Assistance for Needy Families recipients, whether those services are provided by the ~~Department of Human Services~~ department or any other agency, organization or individual providing ~~ASPIRE JOBS Program~~ ASPIRE-TANF program services to participants.

Sec. A-26. 22 MRSA §3788, as amended by PL 1995, c. 418, Pt. A, §§29 to 33, 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~~ Temporary Assistance for Needy Families 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 ~~ASPIRE JOBS Program~~ ASPIRE-TANF program, together with a statement that all participants may apply for those opportunities and services.

1-A. Information about and application for Parents as Scholars. When there are fewer than 2,000 enrollees in the Parents as Scholars Program

under chapter 1054-B, the department shall inform all persons applying for ASPIRE-TANF and all ASPIRE-TANF participants reviewing or requesting to amend their education, training or employment program under ASPIRE-TANF of the program and shall offer them the opportunity to apply for the program.

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 serving the area in which that individual lives. The program shall issue a written decision promptly, in accordance with rules adopted by the department, on all applications. 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 work evaluation and has been informed by the department that funds are available to provide ASPIRE JOBS Program services to the recipient. As part of the orientation process for ASPIRE-TANF, all participants must be given the opportunity to apply for any education, training and employment and support services at the office of the program serving the area in which the individual lives. At orientation, each participant shall receive a complete list of all support services and education, training and employment services available under the ASPIRE-TANF program so that the individual may identify the services that the individual considers necessary to participate in the program. A written copy of each amendment to the family contract must be given to the participant, together with a complete list of all support services and education, training and employment services available under the program and notice of the participant's right to request a conciliation meeting and a fair hearing. A participant may request an amendment to the participant's family contract at any time. If the participant's request is denied, the participant must be notified in writing of the reason for the denial and must be given notice of right to a fair hearing.~~

3. Assessment. ~~Each participant's case manager shall conduct an assessment to determine that individual's education, training and employment needs in accordance with the Family Support Act based on available program resources, the participant's skills and aptitudes, the participant's need for supportive services, local employment opportunities, the existence of any good cause circumstances under section 3785 and, to the maximum extent possible, the preferences of the participant.~~

4. Employability plan. ~~An employability plan must be adopted in accordance with the Family~~

~~Support Act for each individual 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.~~

4-A. Family contract amendment. 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~~ amended family contract that must include both the department's and the participant's activities and the support services necessary for the individual to participate in accordance with the Family Support Act assessment and federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. 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~~ 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~~ family contract. 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~~ ASPIRE-TANF must be specified in an ~~individual opportunity service contract~~ the family 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 ~~ASPIRE JOBS Program~~ ASPIRE-TANF program must make available a broad range of education, training and employment services in accordance with section 3781-A, subsection 3 and the ~~Family Support Act~~ federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law, 104-193, 110 Stat. 2105. These services and activities must include all of those services and activities offered by the Additional Support for People

in Retraining and Employment Program on October 1, 1989, except in 2-year and 4-year postsecondary education and except as provided in chapter 1054-B. 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~~ family contract 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~~ family 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~~ ASPIRE-TANF 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.

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

10. Program design. The department shall operate the ~~ASPIRE JOBS~~ ASPIRE-TANF 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 TANF~~ based on ~~unemployment~~ underemployment 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 orientation, assessment, ~~employability plan development~~ and initial ~~individual opportunity service~~ family 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~~ ASPIRE-TANF 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~~ ASPIRE-TANF 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 TANF~~ 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 TANF~~ is based on ~~unemployment~~ or underemployment 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~~ ASPIRE-TANF 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 TANF~~ is hindered from obtaining employment or successfully completing any portion of the ~~ASPIRE JOBS Program~~ ASPIRE-TANF 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~~ ASPIRE-TANF 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 TANF~~ assistance, the department may contract with public and private agencies to establish job placement opportunities. ~~In addition all agencies are subject to the following requirements.~~

In order to assist in the development of job placement opportunities, the department in cooperation with the Department of Labor and other state agencies shall explore the feasibility of developing a shared approach to technology to support access to information talent banks, national job banks, Maine's job listings and any other job opportunity listings, to facilitate linking program resources listings and to coordinate case service providers.

In addition, all public and private 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~~ ASPIRE-TANF participant.

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

The department shall work with and shall contract with agencies to work with families in which there are multiple barriers to achieving employment and shall provide those agencies incentives for working with the families to achieve employment. For each family placed with an agency, the department shall pay a fee. For each family member placed in full-time employment, the department shall pay a premium. For each family member placed in full-time employment in a job that provides health care benefits, the department shall pay an additional bonus payment. The commissioner shall adopt rules as necessary to implement this subsection.

~~**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.~~

14. Family planning services. To the extent that 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 services providers shall implement an intensive peer education project to increase the use of family planning services to TANF recipients. 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 TANF recipients.

The peer education project shall provide direct, in-person family planning information, education and counseling to members of the target populations. To the extent that funding is available, the project shall recruit, train and provide permanent employment for TANF recipients as peer education workers.

Sec. A-27. 22 MRSA §3788-A, as enacted by PL 1995, c. 418, Pt. A, §34, is amended to read:

§3788-A. MaineServe

The department shall establish a MaineServe program designed to provide parents who are eligible

for AFDC TANF assistance 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 TANF assistance 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 TANF 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~~ ASPIRE-TANF 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~~ ASPIRE-TANF 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) (1996).

Sec. A-28. 22 MRSA §3788-B is enacted to read:

§3788-B. ASPIRE-Plus

The department shall establish an on-the-job training program called ASPIRE-Plus to encourage employers to develop jobs for ASPIRE-TANF program participants.

Sec. A-29. 22 MRSA §3789-B, as corrected by RR 1995, c. 2, §43, is amended 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, Mental Retardation and Substance Abuse Services, 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.

The committee shall explore the following:

1. Clearinghouse model. The development of a clearinghouse model for working with businesses to place and retain mutual clients;

2. Education. Education for businesses on the Work Opportunity Tax Credit, established in the federal Small Business Job Protection Act of 1996, Public Law 104-1881, Section 1201 and other resources available to businesses that hire mutual clients; and

3. Shared orientation and training. Establishment of a mechanism for the Commissioner of Labor or the commissioner's designee to participate in the Bureau of Family Independence group orientations and training for local departmental staff.

Sec. A-30. 22 MRSA §3789-D is enacted to read:

§3789-D. Maine Temporary Assistance for Needy Families Advisory Council

1. Duties. The Maine Temporary Assistance for Needy Families Advisory Council, as established by Title 5, section 12004-I, subsection 36-C, shall advise the commissioner or the commissioner's designee regarding education, training, job opportunities, quality employment and business ownership opportunities, the operation of any postsecondary education programs administered by the department and other matters affecting TANF recipients.

2. Members. The commissioner shall appoint the members of the council. Members must include at least the following:

A. Two recipients of benefits under the TANF program;

B. One representative of employers within the State;

C. One representative of organized labor;

D. One representative of women's interests;

E. One or more representatives of organizations or agencies that have experience in addressing the training, education and job needs of low-income women;

F. One representative of the Job Training Partnership Act service delivery area network; and

G. Two representatives of postsecondary education, one representing private institutions and one representing public institutions.

3. Advice regarding postsecondary education programs. The council shall establish a postsecondary education subcommittee, consisting of up to 15 members and nonmembers of the council. The subcommittee must include but is not limited to the following representatives:

A. A representative of the department, appointed by the commissioner;

B. A representative of the University of Maine System who represents the interests of women or nontraditional students at one of the campuses, appointed by the chancellor;

C. A representative of the Finance Authority of Maine appointed by the chief executive officer;

D. Representatives of the Maine Technical College System, including a gender coordinator at one of the campuses, appointed by the president; and

E. Representatives of the following groups, appointed by the council:

(1) Nonprofit service organizations that assist parents who are nontraditional students;

(2) TANF participants or participants of the Parents as Scholars Program established in chapter 1054-B who are enrolled in postsecondary education programs;

(3) Nonprofit organizations that prepare parents to be nontraditional postsecondary education students;

(4) Organizations that represent low-income parents and that have significant knowledge of public assistance programs;

(5) Organizations that advocate for the interests of women;

(6) The business community; and

(7) Private postsecondary educational institutions.

By March 1, 1998, the subcommittee shall make recommendations to the council for improving the administration of the Parents as Scholars Program under section 3790, improving the program to make it more successful for participants and maximizing resources to meet the goals of the program. The council shall approve, disapprove or modify the recommendations of the subcommittee and report their recommendation to the commissioner.

Sec. A-31. 22 MRSA §4062, sub-§3, as enacted by PL 1991, c. 747, §4, is amended to read:

3. Priority of payments. The department shall ensure that payments for foster care made under this subchapter have the same priority as payments for aid to families with dependent children temporary assistance for needy families pursuant to section 3758 3769, subsection 7 1.

Sec. A-32. 26 MRSA §1002, sub-§9, as amended by PL 1993, c. 630, Pt. B, §10, is further amended to read:

9. Commitment to apprenticeships for women and recipients of temporary assistance for needy families. Cooperate, consult and coordinate with the Maine Aid to Families with Dependent Children Temporary Assistance for Needy Families Advisory Council, established by Title 22, section 3774 3789-D, and other relevant groups to identify the obstacles which that may prevent the greater participation of women and of aid to families with dependent children recipients of temporary assistance for needy families under Title 22, chapter 1053-B in registered apprenticeships, and the necessary measures to be taken to overcome them.

Sec. A-33. 36 MRSA §6207, sub-§3, ¶B, as enacted by PL 1995, c. 395, Pt. S, §4, is amended to read:

B. Who are receiving Aid to Families with Dependent Children temporary assistance for needy families under Title 22, chapter 1053-B and are eligible for the housing special needs payment pursuant to Title 22, section 3760-D 3762, subsection 3, paragraph B, subparagraph (6).

Sec. A-34. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Aid to Families with Dependent Children" appear or reference is made to those words, they are amended to read and mean "Temporary Assistance for Needy Families," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. A-35. ASPIRE-TANF improvements. The Department of Human Services and the Department of Labor shall convene a set of meetings to streamline the process for businesses working with participants of the ASPIRE-TANF program established in this Act. The meetings must include representatives of the business community and regional economic development councils. The meetings must focus on ways to streamline the application and paperwork process for participating businesses and ways to overcome barriers to expansion of the ASPIRE-TANF program. The departments shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 1998 on their findings and any recommendations.

PART B

Sec. B-1. 22 MRSA c. 1054-B is enacted to read:

CHAPTER 1054-B

PARENTS AS SCHOLARS

§3790. Parents as Scholars Program

1. Established. The department shall establish a student financial aid program based on need for up to 2000 participants known as the Parents as Scholars Program, referred to in this section as the "program," to aid needy students who have dependent children and who are matriculating in postsecondary undergraduate 2-year and 4-year degree-granting education programs. Enrollees in the program must be provided with a package of student aid that includes aid for living expenses equivalent to that provided pursuant to chapter 1053-B, medical assistance pursuant to chapter 855 and services equivalent to those provided pursuant to chapter 1054-A. A family that ceases to receive aid under this chapter as a result of increased child support or increased hours of, or increased income from, employment is eligible to receive transitional support services in accordance with section 3762, subsection 8. The program must be supported with funds other than federal block grant funds provided under the United States Social Security Act, Title IV-A.

2. Eligibility criteria. Families that qualify for TANF assistance under chapter 1053-B may apply to participate in the program instead of TANF. Individuals with marketable bachelor's degrees are ineligible for enrollment. Eligibility for and the amount of assistance must be determined in accordance with criteria and procedures used in the TANF program, this chapter and the rules adopted pursuant to this chapter and chapter 1053-B. Individuals applying to the program must be assessed in accordance with the

provisions of section 3788. To the extent that program resources and space permit, enrollment in the program must be granted if the assessment results in findings as follows:

A. That the individual does not possess the necessary skills to obtain employment that will enable that individual to support a family at 85% of the median family income in the State for a family of the same size;

B. That, considering potential employment opportunities and local labor market conditions, the postsecondary education sought by the individual will significantly improve the ability of the family to be self-supporting; and

C. That the individual has the aptitude to successfully complete the proposed postsecondary program.

3. Participation requirements. An enrollee must participate in a combination of education, training, study or work-site experience for an average of 20 hours per week in the first 24 months of the program. Aid under this chapter may continue beyond 24 months if the enrollee remains in an educational program and agrees to perform a minimum of 20 hours per week of work-site experience in addition to time spent in education, training or study. For the purposes of this subsection, work-site experience has the same meaning as in section 3788, subsection 10, paragraph C. An enrollee receiving aid under this chapter must make satisfactory progress in the enrollee's educational program. The department shall adopt rules defining satisfactory academic progress. The department may not disapprove an educational plan based solely on the length of the educational program.

4. Child support for participating families. A family participating in the program shall assign the right to child support to the department in the same manner as if the family were receiving TANF assistance. The department shall distribute to a family child support collected on behalf of a family in the same manner as if the family were receiving TANF assistance.

5. Protection from loss of income. To the extent permitted by federal law, aid received under this chapter must be disregarded as income and excluded as a resource or asset to the same extent as assistance under the TANF program under chapters 1053-B and 1054-A for the purposes of any state, federal, tribal or municipal assistance program. Aid received under this chapter must be treated in the same manner as assistance received under the TANF program under chapters 1053-B and 1054-A for all tax purposes.

6. Maintenance of effort. Aid provided under this chapter may not be paid for with federal funds provided under the United States Social Security Act, Title IV-A, provided that the state funds used for this program may be counted, without penalty, toward the State's federal maintenance of effort requirement.

7. Rules. The department shall adopt rules to implement this chapter that must be consistent with the rules adopted under chapter 1053-B. Rules adopted pursuant to this section are routine technical rules, as defined by Title 5, chapter 375, subchapter II-A.

Sec. B-2. Parents as Scholars Program transitional enrollment. Individuals who are recipients of assistance under the Temporary Assistance for Needy Families program, TANF, under the Maine Revised Statutes, Title 22, chapter 1053-B, and who are successfully participating in a 2-year or 4-year postsecondary educational program on the effective date of this Act are deemed eligible for the Parents as Scholars Program and will be transferred into the program. If the department, in consultation with the applicant or participant, determines that the person will lose assistance for which the person would remain eligible were that person to remain on the TANF program, the department shall give the person an option to participate in the person's 2-year or 4-year postsecondary degree program while receiving TANF assistance. This section is repealed on February 1, 1999.

PART C

Sec. C-1. Allocation. 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 years ending June 30, 1998 and June 30, 1999 to carry out the purposes of this Part.

	1997-98	1998-99
HUMAN SERVICES, DEPARTMENT OF		
Temporary Assistance for Needy Families		
All Other	\$1,651,890	\$1,132,133
Provides for the allocation of funds pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide benefits to families with dependent children who qualify for the Temporary Assistance		

for Needy Families program, TANF.

Bureau of Family Independence - Central

All Other 4,850,000 4,500,000

Provides for the allocation of funds to develop and implement the Automated Client Eligibility System, ACES, computer system.

Additional Support for Persons in Retraining and Employment

All Other 9,721,690 12,650,000

Provides for the allocation of funds for ASPIRE services associated with TANF recipients' participation in the ASPIRE Program.

Purchased Social Services

All Other 500,000 500,000

Transfers funds to the Social Services Block Grant for additional services for victims of domestic violence to assist them as they move toward being self-supporting.

Bureau of Family Independence - Regional

All Other 1,050,000 700,000

Provides for the allocation of funds for additional data processing costs.

Departmentwide

All Other (18,773,580) (21,482,133)

Deallocates funds and transfers those funds among several accounts to provide services and benefits associated with the implementation of welfare reform in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Child Care Services

All Other 1,000,000 2,000,000

Transfers funds from TANF to the Child Care Development Fund for additional child care services associated with self-support initiatives.

DEPARTMENT OF HUMAN SERVICES TOTAL

\$-0- \$-0-

PART D

Sec. D-1. Allotment of block grant funds authorized. Notwithstanding the Maine Revised Statutes, Title 5, section 1669-A or any other provision of law, the State Budget Officer upon recommendation of the Commissioner of Human Services is authorized to allot funds in the federal block grant Additional Support for Persons in Retraining and Employment program by financial order in fiscal year 1997-98 up to \$928,310 from an available fiscal year 1996-97 balance of Temporary Assistance for Needy Families block grant funds in the Departmentwide program.

Sec. D-2. Report. The Commissioner of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 1998 on a recommended method to access and expend unobligated Temporary Assistance for Needy Families block grant fund balances from prior fiscal years.

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

Effective June 12, 1997.

CHAPTER 531

S.P. 318 - L.D. 1058

An Act to Require Legislative Review of Revisions to the State's Clean Air Strategy

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

Sec. 1. 38 MRSA §585-A, as amended by PL 1989, c. 890, Pt. A, §40 and Pt. B, §159, is further amended by adding at the end a new paragraph to read: