

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

SECTION TOTALS	2019-20	2020-21
GENERAL FUND	\$131,521	\$6,652
OTHER SPECIAL REVENUE FUNDS	\$1,025,857	\$51,453
SECTION TOTAL - ALL FUNDS	\$1,157,378	\$58,105

See title page for effective date.

**CHAPTER 483
S.P. 20 - L.D. 67**

An Act To Ensure Access to Justice for Victims of Sexual Assault

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

Sec. 1. 17-A MRSA §8, sub-§1, as amended by PL 1999, c. 438, §1, is repealed and the following enacted in its place:

1. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that the following prosecutions may be commenced at any time:

A. A prosecution for murder or criminal homicide in the first or 2nd degree; or

B. If the victim had not attained the age of 16 years at the time of the crime, a prosecution for incest; unlawful sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as gross sexual misconduct.

Sec. 2. 17-A MRSA §8, sub-§2, as amended by PL 2013, c. 392, §1, is repealed and the following enacted in its place:

2. Except as provided in subsection 1 or 2-A, a prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed and a prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.

Sec. 3. 17-A MRSA §8, sub-§2-A, as enacted by PL 2013, c. 392, §2, is amended to read:

2-A. A prosecution for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault must be commenced within 8 20 years after it is committed.

This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant to section 1252, subsection 4-A.

Sec. 4. Application. This Act applies to the following Class A, Class B or Class C crimes committed on or after the effective date of this Act or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this Act: gross sexual assault under the Maine Revised Statutes, Title 17-A, section 253; and unlawful sexual contact under Title 17-A, section 255-A.

See title page for effective date.

**CHAPTER 484
H.P. 1259 - L.D. 1772**

An Act To Secure Transitions to Economic Prosperity for Maine Families and Children

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

Sec. 1. 22 MRSA §3762, sub-§3, ¶B, as amended by PL 2017, c. 256, §1; c. 284, Pt. NNNNNNN, §10; c. 290, §1; and c. 412, §2, is further amended to read:

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 assistance to noncitizens legally admitted to the United States who are receiving assistance under this subsection as of July 1, 2011. Recipients of assistance under this subparagraph are limited to the categories of noncitizens who would be eligible for the TANF programs but for their status as aliens under PRWORA. Eligibility for the TANF program for these categories of noncitizens must be determined using the criteria applicable to other recipients of assistance from the TANF program. Any household receiving assistance as of July 1, 2011 may continue to receive assistance, as long as that household remains eligible, without regard to interruptions in coverage or gaps in eligibility for service. A noncitizen legally

admitted to the United States who is neither receiving assistance on July 1, 2011 nor has an application pending for assistance on July 1, 2011 that is later approved is not eligible for financial assistance through a state-funded program unless that noncitizen is:

- (a) Elderly or disabled, as described under the laws governing supplemental security income in 42 United States Code, Sections 1381 to 1383f (2010);
 - (b) A victim of domestic violence;
 - (c) Experiencing other hardship, such as time necessary to obtain proper work documentation, as defined by the department by rule. Rules adopted by the department under this division are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; or
 - (d) Unemployed but has obtained proper work documentation, as defined by the department by rule. Rules adopted by the department under this division are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;
- (3) To provide benefits to 2-parent families with children using the same eligibility requirements as apply to families headed by a single custodial parent or caretaker relative;
- (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 50% of their monthly income

excluding any income disregarded pursuant to subparagraph (7-D), divisions (a) and (b). The special housing allowance is limited to \$300 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;

~~(7) In determining benefit levels for TANF recipients who have earnings from employment, the department shall disregard from monthly earnings the following:~~

~~(a) One hundred and eight dollars;~~

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

~~(c) 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;~~

(7-A) In determining eligibility and benefit levels, the department may apply a gross income test only to applicants and not to recipients;

(7-C) In determining financial eligibility for applicants who have earnings from employment, the department shall disregard from monthly earnings the following:

(a) One hundred and eight dollars;

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

(c) 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;

(7-D) In determining benefit levels, the department shall disregard the following amounts from the monthly earnings of recipients:

(a) One hundred percent of all earned income for the first 3 months of employment. Any month in which the disregard under this division does not increase the recipient's benefit above that which it would be if the disregard in division (c) is applied does not count as a

month in which earned income is disregarded under this division;

(b) Seventy-five percent of all earned income for the 4th to 6th months of employment. Any month in which the disregard under this division does not increase the recipient's benefit above that which it would be if the disregard in division (c) is applied does not count as a month in which earned income is disregarded under this division;

(c) One hundred and eight dollars and 50% of the remaining earnings that are less than the federal poverty level for any month of employment in which a disregard in division (a) or (b) is not applied; and

(d) 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;

(7-E) For any period during which a household's food supplement assistance is reduced as a result of earnings and receipt of the earned income disregard applied under subparagraph (7-D), division (a) or (b), the household must receive additional food supplement assistance in an amount that will, in addition to the food supplement assistance for which the household remains eligible, provide the household with a minimum of \$50 in food supplement assistance. Additional food supplement assistance under this subparagraph is a noncash benefit and may be used to purchase only those food items permitted under the food supplement program;

(8) In cases when the TANF recipient has no child care cost, the monthly TANF benefit is the maximum payment level or the difference between the countable earnings and the standard of need established by rule adopted by the department, whichever is lower;

(9) In cases when the TANF recipient has child care costs, the department shall determine a total benefit package, including TANF cash assistance, determined in accordance with subparagraph (7) (7-D) and additional child care assistance, as provided by rule, necessary to cover the TANF recipient's actual child care costs up to the maximum amount specified in section 3782-A, subsection 5, paragraph B. The benefit amount must be paid as provided in this subparagraph.

(a) Before the first month in which child care assistance is available to an ASPIRE-TANF recipient under this paragraph and periodically thereafter, the department shall notify the recipient of the total benefit package and the following options of the recipient: to receive the total benefit package directly; or to have the department pay the recipient's child care assistance directly to the designated child care provider for the recipient and pay the balance of the total benefit package to the recipient.

(b) If an ASPIRE-TANF recipient notifies the department that the recipient chooses to receive the child care assistance directly, the department shall pay the total benefit package to the recipient.

(c) If an ASPIRE-TANF recipient does not respond or notifies the department of the choice to have the child care assistance paid directly to the child care provider from the total benefit package, the department shall pay the child care assistance directly to the designated child care provider for the recipient. The department shall pay the balance of the total benefit package to the recipient;

(10) Child care assistance under this paragraph must be paid by the department in a prompt manner that permits an ASPIRE-TANF recipient to access child care necessary for work; and

(11) The department shall adopt rules pursuant to Title 5, chapter 375 to implement this subsection. Rules adopted pursuant to this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §3762, sub-§8, ¶F, as enacted by PL 2011, c. 655, Pt. S, §2, is amended to read:

F. The department may provide limited transitional food benefits to meet the needs of food supplement benefit recipients living with one or more dependent children under 18 years of age who are working at least 30 hours per week or who are working at least 20 hours per week if one or more dependent child is under 6 years of age. The benefit may not exceed ~~\$50~~ \$100 per month per family.

Sec. 3. 22 MRSA §3762, sub-§18, as enacted by PL 2011, c. 380, Pt. PP, §2, is amended to read:

18. Lifetime limit on assistance. Beginning January 1, 2012, a family may not receive TANF as-

sistance for longer than 60 months except in those cases in which the department has determined that the family qualifies for an exemption or extension under rules adopted by the department. When an adult has received TANF assistance for 60 months, unless the adult has been exempted or granted an extension by the department, the family unit in which the adult is a member is ineligible for assistance. The department shall consider conditions or situations beyond the control of the adult recipient, including but not limited to a physical or mental condition that prevents the adult from obtaining or retaining gainful employment, being a victim of domestic violence, participating in good standing in an approved education program or a program that is expected to lead to gainful employment, being the caretaker relative in the household who is not the parent of the child or children in the assistance unit and who is required to remain at home to care for a dependent in the assistance unit and loss of employment by the adult following termination of TANF under this subsection. The department shall grant an extension to a household for each month in which a family received TANF assistance and an earnings disregard under subsection 3, paragraph B, subparagraph (7-D), division (a) or (b). This extension does not apply to a TANF recipient who has reached the 60-month time limit prior to October 1, 2019.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 4. 22 MRSA §3769-G is enacted to read:

§3769-G. Temporary Assistance for Needy Families block grant; whole family economic security initiatives

1. Use of block grant funds. In fiscal year 2020-21 and annually thereafter, the department shall provide up to \$2,000,000 in funds provided under the Temporary Assistance for Needy Families block grant to community action agencies designated pursuant to section 5324 or other community-based organizations the department finds qualified pursuant to subsection 3 to assist parents with children as the parents pursue stable employment or education intended to lead to employment. The block grant funds must be used to administer services to families with children with income less than 200% of the nonfarm income official poverty line.

2. Required services. Services provided by a community-based organization the department finds qualified pursuant to subsection 3 must include education, including, but not limited to, assisting family members to acquire postsecondary degrees or other credentials, and the provision of health, social and economic support.

3. Qualifications. In order to be qualified under this section, a community action agency designated pursuant to section 5324 or a community-based organization must demonstrate to the department that it has the resources and capacity to implement evidence-based practices to provide the services required under this section. The department shall annually review contracts awarded under this section on the basis of tangible performance measures; participant satisfaction and well-being; and fiscal and administrative accountability.

4. Rules. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 22 MRSA §3788, sub-§7-A is enacted to read:

7-A. Basic skills education. The department shall make available to individuals participating in the ASPIRE-TANF program basic skills education, including programs that assist individuals in obtaining a high school diploma or its equivalent or comparable credential. The time spent by an ASPIRE-TANF participant in basic skills education must be counted toward the first 20 hours of the participant's required weekly work participation, except that this subsection is suspended for any period for which it would cause the State to fail to meet the work participation rate requirements pursuant to 42 United States Code, Section 607, subsection (a). The department shall ensure that the State's work verification plan required under federal law for validating work participation activities of ASPIRE-TANF participants includes basic skills education in the definition of vocational educational training when it is a necessary part of a participant's vocational educational training plan.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Additional Support for People in Retraining and Employment 0146

Initiative: Provides allocations for additional support services for the new population added due to the changes in the Temporary Assistance for Needy Families program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$3,217,548	\$4,290,064
FEDERAL BLOCK GRANT FUND TOTAL	\$3,217,548	\$4,290,064

Temporary Assistance for Needy Families 0138

Initiative: Provides allocations for community action agencies to expand the services to assist parents to find stable employment.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$1,500,000	\$2,000,000
FEDERAL BLOCK GRANT FUND TOTAL	\$1,500,000	\$2,000,000

Temporary Assistance for Needy Families 0138

Initiative: Provides allocations to change the income disregard and to no longer count earnings disregards against the 60-month limit in the Temporary Assistance for Needy Families program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$3,166,293	\$4,221,724
FEDERAL BLOCK GRANT FUND TOTAL	\$3,166,293	\$4,221,724

Temporary Assistance for Needy Families 0138

Initiative: Provides deallocations to account for the reduction in transitional benefits due to changes in the Temporary Assistance for Needy Families program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	(\$3,311,876)	(\$4,415,834)
FEDERAL BLOCK GRANT FUND TOTAL	(\$3,311,876)	(\$4,415,834)

Temporary Assistance for Needy Families 0138

Initiative: Provides allocations to replace Supplemental Nutrition Assistance Program benefits due to increased income disregard in the Temporary Assistance for Needy Families program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$249,075	\$332,100
FEDERAL BLOCK GRANT FUND TOTAL	\$249,075	\$332,100

HEALTH AND HUMAN SERVICES,
DEPARTMENT OF

DEPARTMENT TOTALS	2019-20	2020-21
FEDERAL BLOCK GRANT FUND	\$4,821,040	\$6,428,054
DEPARTMENT TOTAL - ALL FUNDS	\$4,821,040	\$6,428,054

See title page for effective date.

CHAPTER 485

H.P. 1261 - L.D. 1774

An Act To Reduce Child Poverty by Leveraging Investments so Families Can Thrive

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

Sec. 1. 22 MRSA §3109 is enacted to read:

§3109. Promoting accountable public programs that reduce poverty, alleviate hardship and increase sustainable employment for low-income families with children

The department shall implement a system of accountability to measure access to and the performance of certain programs administered by the department under this Subtitle to ensure that those programs are working effectively to improve the health and well-being of program participants.

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

A. "Federal poverty level" has the same meaning as in section 3762, subsection 1, paragraph C.

B. "Food supplement" means the federal supplemental nutrition assistance program administered by the State pursuant to section 3104.

C. "TANF" has the same meaning as in section 3762, subsection 1, paragraph E.

D. "WIC" means the Women, Infants and Children Special Supplemental Food Program described in section 3107.

2. Identify measures of child and family economic security. Beginning October 15, 2019 and annually thereafter, the department shall obtain and compile the following data for the State regarding child and family economic security from those sources reasonably available to the department, including, but not limited to, data collected and maintained by the department, data available from the Department of Labor and the Department of Administrative and Fi-