

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

Sec. B-61. 32 MRSA §9405, sub-§2-C, ¶A, as amended by PL 1995, c. 694, Pt. D, §57 and affected by Pt. E, §2, is further amended to read:

A. Information of record relative to incidents of abuse by the applicant of family or household members; provided pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-62. 32 MRSA §9405, sub-§4, ¶B, as amended by PL 1995, c. 694, Pt. D, §58 and affected by Pt. E, §2, is further amended to read:

B. The records compiled pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-63. 32 MRSA §9410-A, sub-§5, ¶B, as amended by PL 1995, c. 694, Pt. D, §59 and affected by Pt. E, §2, is further amended to read:

B. The records compiled pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-64. 34-A MRSA §1206-A, sub-§1, ¶B, as amended by PL 2021, c. 174, §13, is further amended to read:

B. "Community intervention program" means a program operated at the community level providing services designed to intervene in the risk factors for reoffending, including, but not limited to, mental health, sex offender treatment, social service and substance use disorder treatment programs, but not including a domestic violence intervention program under Title 19-A, section ~~4014~~ 4116.

Sec. B-65. Effective date. This Act takes effect January 1, 2023.

Effective January 1, 2023.

CHAPTER 648

S.P. 604 - L.D. 1748

**An Act To Improve the
Temporary Assistance for
Needy Families Program and
To Improve the So-called
Leveraging Investments so
Families Can Thrive Report**

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

Sec. 1. 22 MRSA §3109, sub-§1, ¶A-1 is enacted to read:

A-1. "ASPIRE-TANF" means the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program established in section 3781-A.

Sec. 2. 22 MRSA §3109, sub-§2, as amended by PL 2021, c. 398, Pt. OO, §§17 to 19, is further amended to read:

2. Identify measures of child and family economic security. Beginning ~~October 15, 2019 and annually~~ January 15, 2023 and biennially 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 Financial Services, Bureau of Revenue Services or other state or federal agencies and such other data as can reasonably be obtained from other public or private sources upon request. The data must include:

A. The ratio of families with children receiving TANF cash assistance to the number of families with children and income at or below 100% of the federal poverty level in the current year and in the previous 4 years;

B. The percentage of children under 5 years of age receiving TANF cash assistance that also receive assistance from WIC in the current year and in the previous 4 years;

C. The percentage of children under 5 years of age receiving SNAP benefits that also receive assistance from WIC in the current year and in the previous 4 years;

D. For all families for whom TANF cash assistance has terminated:

(1) The number and percentage of families with no quarterly earnings from unsubsidized employment:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

(2) The number and percentage of families with quarterly earnings from unsubsidized employment that are below 50% of the federal poverty level:

(a) At the time participation in the program was terminated;

(b) During the 2nd quarter after participation in the program was terminated; and

(c) During the 4th quarter after participation in the program was terminated;

(3) The number and percentage of families with quarterly earnings from unsubsidized employment that are at least 50% but below 100% of the federal poverty level:

- (a) At the time participation in the program was terminated;
- (b) During the 2nd quarter after participation in the program was terminated; and
- (c) During the 4th quarter after participation in the program was terminated;

(4) The number and percentage of families with quarterly earnings from unsubsidized employment that are at least 100% but below 150% of the federal poverty level:

- (a) At the time participation in the program was terminated;
- (b) During the 2nd quarter after participation in the program was terminated; and
- (c) During the 4th quarter after participation in the program was terminated;

(5) The number and percentage of families with quarterly earnings from unsubsidized employment that are at least 150% but below 200% of the federal poverty level:

- (a) At the time participation in the program was terminated;
- (b) During the 2nd quarter after participation in the program was terminated; and
- (c) During the 4th quarter after participation in the program was terminated;

(6) The number and percentage of families with quarterly earnings from unsubsidized employment that are at least 200% of the federal poverty level:

- (a) At the time participation in the program was terminated;
- (b) During the 2nd quarter after participation in the program was terminated; and
- (c) During the 4th quarter after participation in the program was terminated;

(7) The mean and median income of families with no quarterly earnings from unsubsidized employment:

- (a) At the time participation in the program was terminated;
- (b) During the 2nd quarter after participation in the program was terminated; and
- (c) During the 4th quarter after participation in the program was terminated; and

(8) The number and percentage of families receiving income from the federal supplemental security income program or federal social security disability benefits:

- (a) At the time participation in the program was terminated;
- (b) During the 2nd quarter after participation in the program was terminated; and
- (c) During the 4th quarter after participation in the program was terminated;

E. Cumulative data on the highest level of educational attainment of adult parents or caretaker relatives receiving TANF cash assistance and cumulative data on the highest level of educational attainment of adult parents or caretaker relatives whose participation in the program was terminated in the prior year;

F. The ratio of persons receiving SNAP benefits to the total number of potentially eligible persons; the ratio of persons 60 years of age or older receiving SNAP benefits to the total number of potentially eligible persons 60 years of age or older; the ratio of nonelderly persons with a disability receiving SNAP benefits to the total number of potentially eligible nonelderly persons with a disability; and the ratio of children under 18 years of age receiving SNAP benefits to the total number of potentially eligible children under 18 years of age;

G. The number and percentage of adult parents or caretaker relatives who have children in the household and who are receiving SNAP benefits, grouped by highest level of educational attainment of the adult parent or caretaker relative;

H. The ratio of people participating in the MaineCare program, by eligibility group, to the total number of potentially eligible persons within each group;

I. The number and percentage of applications received by the department for the MaineCare program and the children's health insurance program as defined in section 3174-X, subsection 1, paragraph A, by eligibility group, that are processed in less than 24 hours; that are processed within one to 7 days; that are processed within 8 to 30 days; that are processed within 31 to 45 days; and that are processed more than 45 days after receipt;

J. The average waiting times, by month, for a person calling the department's call center to speak to a person, not including an interactive voice response system; and

K. The number and percentage, by month, of telephone calls to the department's call center that are terminated by a caller prior to the caller's speaking

to a person, not including an interactive voice response system.

Sec. 3. 22 MRSA §3109, sub-§2-A is enacted to read:

2-A. Survey experiences of TANF and ASPIRE-TANF participants. Beginning in calendar year 2024 and biennially thereafter, the department shall conduct a survey of TANF and ASPIRE-TANF participants and compile the answers to include in its biennial report for the following year pursuant to subsection 3. The department shall select a representative sample of current TANF and ASPIRE-TANF participants and a representative sample of TANF and ASPIRE-TANF participants whose participation in TANF was terminated in the previous year and whose contact information remains available to the department's office for family independence. The department shall survey the selected samples of participants using an anonymized survey. The department shall provide the opportunity to respond orally to the survey for participants who request interpreter services or another reasonable accommodation. Information about the participants is confidential. The department may use funds from the federal Temporary Assistance for Needy Families block grant to contract for this work. The survey topics must include, but are not limited to:

A. Administrative burdens faced by ASPIRE-TANF participants;

B. Availability of interpretation and translation services;

C. Experiences of discrimination based on racial or ethnic identity, sex, gender identity, sexual orientation, ability or disability status, religion, national origin or marital status;

D. Availability of education and training programs, including postsecondary programs, and staff knowledge of and referrals to appropriate programs and services;

E. Availability of adequate support services, including but not limited to child care and transportation, and recommendations for other support services needed but not available;

F. Overall experiences and recommendations for improvement of ASPIRE-TANF; and

G. Optional demographic questions, including but not limited to geographic location, racial or ethnic identity, sexual orientation, gender identity, disability, religion, national origin, marital status and need for interpretation and translation services.

Sec. 4. 22 MRSA §3109, sub-§3, as enacted by PL 2019, c. 485, §1, is repealed and the following enacted in its place:

3. Measuring the effect of department initiatives to improve child and family economic security;

reports. The department shall submit biennial reports, in accordance with this subsection, to the joint standing committee of the Legislature having jurisdiction over health and human services matters that analyze TANF's and ASPIRE-TANF's impact on family economic security, including increased ability to meet basic needs, improved education levels and increased income.

A. No later than January 15, 2023, the department shall present the data collected pursuant to subsection 2 along with an assessment of how these measures can be improved. The department shall also identify any obstacles to improving economic security for children, families and individuals, which must include an analysis of how methods for determining TANF eligibility may be changed to increase the number of children under poverty eligible to receive assistance, and make recommendations for addressing those obstacles, which may include improved coordination between state agencies. The department shall convene a representative group of current and former TANF and ASPIRE-TANF participants who volunteer to review the data collected pursuant to subsection 2. This group must have the opportunity to create a separate report making recommendations to improve economic security for children, families and individuals, which may also be presented by the group to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

This paragraph is repealed January 30, 2023.

B. Beginning January 15, 2025, and biennially thereafter, the department shall present the data collected pursuant to subsection 2 and the survey responses compiled pursuant to subsection 2-A along with an assessment of how these data measures can be improved. The department shall also identify any obstacles to improving economic security for children, families and individuals and make recommendations for addressing those obstacles, which may include improved coordination between state agencies. The department shall convene a representative group of current and former TANF and ASPIRE-TANF participants who volunteer to review the data collected pursuant to subsection 2 and the anonymized survey data collected pursuant to subsection 2-A. This group must have the opportunity to create a separate report making recommendations to improve economic security for children, families and individuals, which may also be presented by the group to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

For all reports required pursuant to this subsection, the joint standing committee's review must include the opportunity for public comment, and the joint standing

committee may introduce any legislation that is considered necessary to address barriers faced by the department in improving economic security for children, families and individuals in this State.

Sec. 5. 22 MRSA §3762, sub-§1, ¶A-1 is enacted to read:

A-1. "Culturally and linguistically appropriate services" means services that are designed to serve culturally diverse populations in their preferred languages; function effectively within the context of cultural beliefs, behaviors and needs presented by TANF and ASPIRE-TANF participants and their communities; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with TANF and ASPIRE-TANF participants; actively support and enable TANF and ASPIRE-TANF participants to make informed choices; and value and facilitate the exchange of information with TANF and ASPIRE-TANF participants.

Sec. 6. 22 MRSA §3762, sub-§1, ¶G is enacted to read:

G. "Trauma-informed services" means services that acknowledge and are informed by the widespread impact of trauma and recognize the potential paths for recovery; recognize the unique signs and symptoms of trauma in clients, families and staff; respond by fully integrating knowledge about trauma into policies, procedures and practices; and seek to actively avoid retraumatization.

Sec. 7. 22 MRSA §3762, sub-§21 is enacted to read:

21. Duty to provide culturally and linguistically appropriate and trauma-informed services. The department shall work with all TANF and ASPIRE-TANF participants to provide culturally and linguistically appropriate services and trauma-informed services to assist each family in obtaining the services and skills necessary to sustain economic stability and opportunity after leaving TANF. Each TANF and ASPIRE-TANF participant must be screened to identify any need for culturally or linguistically appropriate or trauma-informed services. If such a need is identified, the department shall use appropriate methods and techniques to work with the participant to develop goals that reflect, to the greatest extent possible, the preferences of the participant and individualized plans that address the participant's situation and barriers to sustained economic stability. The department shall work with TANF and ASPIRE-TANF participants to connect them with appropriate programs and services available to help the families attain and sustain economic stability and to ensure the well-being of the children.

Sec. 8. 22 MRSA §3788, sub-§1-A, as enacted by PL 1997, c. 530, Pt. A, §26, is amended to read:

1-A. Information about and application for Parents as Scholars Program. 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~~ Parents as Scholars Program and shall offer them the opportunity to apply for the program. The department shall assist persons who apply for ASPIRE-TANF and participants seeking to matriculate for postsecondary education, including through appropriate referrals for remedial services or financial aid assistance, and shall assist persons with the provision of ASPIRE-TANF services for which they are eligible.

Sec. 9. 22 MRSA §3788, sub-§6, as amended by PL 2009, c. 291, §9, is further amended to read:

6. Education, training and employment services. The 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 federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 and the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4. 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 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~~ must include reimbursement for the cost of tuition ~~or~~ mandatory fees and the cost of transcripts or transferring credits for postsecondary education ~~unless when the participant has exhausted any available educational funding to complete the participant's family contract, in accordance with department rules.~~

~~A. The participant is unable to secure other educational funding needed to complete the participant's 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 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.

Sec. 10. 22 MRSA §3788, sub-§6-A is enacted to read:

6-A. Parents as Scholars Program prematriculation services. The department shall assist ASPIRE-TANF participants interested in applying for the Parents as Scholars Program under chapter 1054-B to prepare to matriculate, including enrolling participants or preparing participants for enrollment in a program providing remedial services necessary for matriculation; identifying the strengths, needs and barriers faced by participants; and making referrals to programs qualified to assist participants with the services, supports, education, training and accommodations needed to reduce or overcome barriers to enrollment in the Parents as Scholars Program. The department shall cover the cost of support services in accordance with this section needed for any activity under this subsection included in the family contract. Any hours spent preparing for matriculation under this subsection, including, but not limited to, exploring educational opportunities and financial aid options and applying for educational programs or financial aid, must be considered hours of participation in ASPIRE-TANF for the purposes of participation under chapter 1053-B. These hours may also be counted for federal participation as allowable by federal law.

Sec. 11. 22 MRSA §3790, sub-§1, as amended by PL 2003, c. 20, Pt. K, §14, is further amended to read:

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

and benefits at least equivalent to those provided pursuant to chapter 1054-A and to participants in the Higher Opportunity for Pathways to Employment Program pursuant to chapter 1054-C. 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, except that federal funds may be used in accordance with federal law if their use does not result in the imposition of conditions of participation or program requirements other than those established by this chapter.

Sec. 12. 22 MRSA §3790, sub-§3, as repealed and replaced by PL 1999, c. 407, §1, is amended by enacting a new 2nd blocked paragraph to read:

For the purposes of this subsection, study hours are counted as 3 times the number of hours of classroom instruction, which may include virtual instruction. These study hours are not required to be scheduled or supervised. A participant is deemed to meet the participation requirements of this subsection if the participant, in order to improve the participant's academic performance or to improve the participant's attendance or to more appropriately meet the needs of the participant's family, has chosen to matriculate less than full-time but at least half-time, as defined by acceptance to and official registration of at least a half-time study by the training or educational institution.

Sec. 13. 22 MRSA §3790-A, sub-§2-A is enacted to read:

2-A. Coordination with state educational institutions and programs. The department shall consider a referral from an educational institution or program that is part of the University of Maine System; the Maine Community College System; Jobs for Maine's Graduates, established in Title 20-A, chapter 226; an adult education program established pursuant to Title 20-A, chapter 315; or the career centers established by the Department of Labor as an application for the Higher Opportunity for Pathways to Employment Program as long as, in accordance with department rules, the referral is submitted by a qualified person at the institution or program on a form provided by the department for this purpose and signed by the prospective student expressing a desire to enroll in the Higher Opportunity for Pathways to Employment Program. The department shall notify these institutions and programs of the opportunity to refer prospective students in accordance with this subsection and make available to prospective students and these institutions and programs referral forms to serve as applications for purposes of this subsection.

Sec. 14. Improve application processes for postsecondary education programs. In order to

improve access to postsecondary certificate and degree programs through the ASPIRE-TANF program under the Maine Revised Statutes, Title 22, chapter 1054-A; the Parents as Scholars Program under chapter 1054-B; the Higher Opportunity for Pathways to Employment Program under chapter 1054-C; the Competitive Skills Scholarship Program under Title 26, chapter 25, subchapter 5; and other programs providing similar opportunities, the Department of Health and Human Services, the Department of Education, the Department of Labor, the University of Maine System and the Maine Community College System shall work together to explore the feasibility of creating a single application for persons expressing a desire to enroll in postsecondary education and training programs to be available from the departments and at relevant educational institutions and programs, including, but not limited to, the University of Maine System, the Maine Community College System, adult education programs established pursuant to Title 20-A, chapter 315 and the career centers established by the Department of Labor. The Department of Health and Human Services, the Department of Education, the Department of Labor, the University of Maine System and the Maine Community College System shall identify opportunities for an individual to initiate an application, with the departments coordinating and facilitating the application for the correct program based on the applicant's interests and program eligibility requirements.

By February 1, 2024, the Department of Health and Human Services, the Department of Education, the Department of Labor, the University of Maine System, the Maine Community College System and adult education programs established pursuant to Title 20-A, chapter 315 shall provide a written status update for the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the feasibility of facilitating applications for postsecondary education programs. This written status update must include any needs, financial, technological or otherwise, identified to achieve this type of enhanced coordination and strategies to meet those needs. The joint standing committee may introduce any legislation that it considers necessary in response to this status update to the Second Regular Session of the 131st Legislature.

Sec. 15. Rulemaking. No later than October 1, 2023, the Department of Health and Human Services shall adopt rules to implement this Act. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. For the purposes of Title 22, section 3762, subsection 1, paragraph A-1, section 3762, subsection 1, paragraph G and section 3762, subsection 21, in advance of rulemaking, the department shall consult with current and former participants in the Temporary Assistance for Needy Families program under Title 22, chapter 1053-B and consider their recommendations.

Sec. 16. 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 allocation for required program changes to child care hours and allowable tuition.

FEDERAL BLOCK GRANT FUND	2021-22	2022-23
All Other	\$0	\$2,023,570
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$2,023,570

Office for Family Independence Z020

Initiative: Provides appropriations and allocations to establish one Management Analyst II position to handle new on-going reporting requirements.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNCIL	0.000	1.000
Personal Services	\$0	\$92,085
All Other	\$0	\$9,966
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$102,051

HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS	\$0	\$102,051
FEDERAL BLOCK GRANT FUND	\$0	\$2,023,570
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,125,621

See title page for effective date.

CHAPTER 649

S.P. 684 - L.D. 1943

An Act To Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes

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