

MAINE STATE LEGISLATURE

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MEMORANDUM

To: Joint Standing Committee on Health and Human Services
From: Ian Yaffe, Director, Office for Family Independence
Re: 22 M.R.S. § 3110 (Automatic Referrals to Other Programs)
Date: May 14, 2025

Background

In 2025, the Office for Family Independence (OFI) will be implementing an Automatic Referral project to increase the number of clients served by the Department who are automatically referred to, or enrolled in, other services that substantially promote health and well-being. This project is authorized by [22 M.R.S. § 3110](#) and would include programs such as the Low-Income Assistance Program (LIAP) and more.

Example Impact: Today there are 70,000 ratepayers who *should* be eligible for LIAP. Through a process where OFI sends a letter to them informing them of their eligibility, only 10,000 people end up receiving LIAP. This proposal would enable nearly all 70,000 ratepayers to automatically be referred to LIAP without having to do anything (and saving OFI nearly \$100,000 per year in mailing costs).

Stakeholder Engagement

Between December 2023 and March 2024, OFI convened three stakeholder meetings to discuss goals related to this project. These stakeholders included Central Maine Power (CMP), the Finance Authority of Maine (FAME), Maine Association of Public Housing Authority Directors, Maine Equal Justice (MEJ), MaineHousing, Office of the Public Advocate (OPA), the Public Utilities Commission (PUC), and Versant Power. **Stakeholders generally agreed that the approach utilized for Maine should generate the highest number of automatic referrals while respecting the ability of clients to decide how their data are used.**

Stakeholders also had divergent data needs which are best served by a two-phase approach to implementing data sharing agreements following implementation: 1) OFI will build a custom data sharing agreement with each entity to match the entity's data with OFI data. 2) In the future, OFI could consider an additional initiative to implement a "real-time" data look-up option, which is especially needed by housing authorities, and currently outside of the scope of what OFI can implement in 2025 with resources available.

Other State Examples

Connecticut

Connecticut Department of Social Services (DSS) has revised its integrated application for SNAP, TANF, and Medicaid to include client authorization capability (see appendix). Through this feature, a household may “passively opt-in” to DSS sharing their information with state agencies and other organizations that provide public benefits, regardless of entity type or Federal funding status. A data recipient must use the information acquired for a permissible, non-commercial purpose, which Connecticut considers to be administration of a means-tested or other public benefit. Additionally, data recipients should be confined to groups that directly target and assist DSS constituents.

The DSS project has been in effect for over a year and DSS has not encountered customer dissatisfaction or confusion with their current method. To account for all households seeing the new language, DSS delayed deployment until one year after the data sharing language had been included on all applications, certifications, and renewals. As of January 2024, 1,800 individuals (0.2% of clients) have chosen to opt-out.

Massachusetts

The Massachusetts Department of Transitional Assistance (DTA) confirmed that it also utilizes a client consent mechanism, comparable to Connecticut, but it does not provide an ability to opt-out.

Proposed Maine Approach

OFI recommends the approach currently used by Connecticut to meet the purpose 22 M.R.S. § 3110, provide the greatest benefit to clients, and to minimize the operational burdens of implementing this program, while preserving the ability for clients to decide how their data are used by being able to opt-out at any time by filling out a form, calling OFI, or visiting one of our offices.

OFI is ready to implement this program this fall. To ensure compliance with other privacy laws and alignment with state statute, we request the following technical amendment:

22 M.R.S. §3110, sub-§2 as enacted by PL 2023, c. 412, Pt. VV, §1, is amended to read:

Before providing any information pursuant to this section, the department must receive ~~express~~ authorization from the recipient agreeing to the release of that information in accordance with this section ~~federal and state law~~. The department shall develop a simplified process to give the recipient the choice to opt out of authorizing ~~the~~ a release of information pursuant to this section at the time of application or recertification for assistance under this subtitle or at another time of the individual's choice.