

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES

AUGUST 1995

**Staff:**

*Jane Orbeton, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*

**MEMBERS:**

*\*Sen. Joan M. Pendexter  
Sen. John W. Benoit  
Sen. Rochelle M. Pingree*

*\*Rep. Michael J. Fitzpatrick  
Rep. Birger T. Johnson  
Rep. David Etnier  
Rep. J. Elizabeth Mitchell  
Rep. David C. Shiah  
Rep. Kyle W. Jones  
Rep. Glenys P. Lovett  
Rep. Jeffery Joyner  
Rep. Jean Ginn Marvin  
Rep. Robert J. Winglass*

*\*Denotes Chair*



**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333  
Telephone (207) 287-1670  
Telecopier (207) 287-1275

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

<b>CARRIED OVER</b>	<i>Bill carried over to Second Session</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>CONF CMTE UNABLE TO AGREE</b>	<i>Committee of Conference unable to agree; bill died</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when session ended; bill died</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Emergency bill failed to get 2/3 vote</i>
<b>FAILED ENACTMENT</b>	<i>Bill failed to get majority vote</i>
<b>FAILED MANDATE ENACTMENT</b>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**SUMMARY**

This resolve establishes a 3-year pilot project consisting of day-care center cooperatives for which day care would be provided at a low cost or free of charge to individuals in exchange for volunteering a certain number of hours per week at the center.

See also LD 1496, Section A-38.

**LD 1427      An Act to Promote Family Self-sufficiency by Changing the Welfare Rules Governing the Disregard Period      ONTP**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
BRENNAN                              ONTP

**SUMMARY**

This bill directs the Department of Human Services to apply for a waiver from the Federal Government to phase in the loss of Aid to Families with Dependent Children benefits by a working person over a 2-year period. Also during that 2-year period, the person would continue to receive child care benefits, Medicaid and job training benefits. The bill also appropriates \$500,000 for matching funds for federal job training funds for welfare recipients.

**LD 1493      An Act to Modernize Vital Statistics Reporting      PUBLIC 260**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
PENDEXTER                              OTP-AM                              S-192

**SUMMARY**

This bill makes vital statistics registration processes more responsive to public needs by allowing the department to adjust time limits and define the registration process more flexibly through the process of regulation. The bill also clarifies the dates at which certain vital statistics records become public records that are available on request. The bill is based on recommendations from the National Center of Health Statistics and pending with the Council of State Governments.

COMMITTEE AMENDMENT "A" (S-192) clarifies language in the original bill. This amendment adds a fiscal note to the bill.

**LD 1496      An Act to Improve the AFDC Program      PUBLIC 418**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
MILLS                                      OTP-AM              MAJ                      H-650      LOVETT  
    OTP-AM              MIN                      S-322  
    S-348      MILLS  
    S-385      HANLEY

**SUMMARY**

Part A makes the following changes to the laws governing Aid to Families with Dependent Children.

1. It changes the name of the Bureau of Income Maintenance to the Bureau of Family Independence and changes the name of the ASPIRE program from Additional Support for People in Retraining and Education to Additional Support for People in Retraining and Employment.

2. It directs the Department of Human Services to apply for a waiver from the Federal Government in order to make changes in the Aid to Families with Dependent Children and ASPIRE-JOBS programs. The changes result in a program that establishes new goals for the Aid to Families with Dependent Children program that emphasize the temporary nature of welfare payments and assist the caretaker relative to make decisions and obtain the skills that lead to employability. Some adults are expected to perform work search activities as soon as eligibility for Aid to Families with Dependent Children is determined and throughout their receipt of Aid to Families with Dependent Children benefits. All adult caretakers who do not have children under age 2 or are not disabled or caring for a disabled household member or are under age 60 and dependent children between the ages of 16 and 18 who are not attending school full time are required to participate in the ASPIRE-JOBS program.

Within 90 days of the determination of eligibility, the ASPIRE-JOBS participant participates in the Orientation Phase, during which the individual and the department develop an employability plan that outlines the steps each party will take to assist the individual in becoming more employable.

Following the Orientation Phase, the recipient of Aid to Families with Dependent Children benefits who is determined to need education, training or treatment in order to become employable enters the Education, Training and Treatment Phase, which may not last longer than 2 years.

Work search activities may be required during each phase of the program.

At the completion of the Education, Training and Treatment Phase, the recipient of Aid to Families with Dependent Children benefits enters the Workforce Phase. The department must apply for a waiver to allow ASPIRE-Plus, an on-the-job training program, as an alternative placement for up to 1,000 workforce participants in the former Project Opportunity sites. The department is instructed to withdraw its Project Opportunity waiver request. During this phase, the Aid to Families with Dependent Children grant is replaced with a work-related expense reimbursement. The recipient is assigned to a workforce site for 20 hours per week as a condition of eligibility. State agencies and those receiving funds from the State are required to provide sites for workforce participants.

3. The bill changes the premium payment for transitional child care and transitional Medicaid, adjusts the reporting periods and provides these services for families that have received Aid to Families with Dependent Children benefits for one out of the last 3 months.
4. The determination of the grant amount in the Aid to Families with Dependent Children program is changed to require deduction of all income from the maximum grant amount for the family size. An additional deduction is made from earned income.
5. The bill directs the Department of Labor, the Department of Education, the Department of Mental Health and Mental Retardation, the President of the Maine Technical College System, the Director of the Office of Substance Abuse and the Department of Human Services to work cooperatively in order to implement welfare reform measures. The Department of Human Services and the Department of Education are directed to develop a curriculum to dissuade teens from becoming parents and provide parenting skills for those teenagers who do become parents.
6. The bill directs all state agencies funding alcohol or drug rehabilitation programs or providing transportation or child care services to serve recipients of Aid to Families with Dependent Children first.
7. The bill establishes a committee to examine ways to bring more conformity into public assistance programs.
8. The bill requires that any funds realized in the Aid to Families with Dependent Children program be transferred to the ASPIRE-JOBS account.

9. The bill establishes trafficking in food stamp benefits as a crime.
10. The bill adjusts the Project Opportunity Waiver to incorporate the ASPIRE-Plus project.
11. The bill provides for voucher payments to custodial parents who have not attained the age of 20 years.

Part B provides a mechanism to allow facilities that provide childbirth services to encourage voluntary acknowledgments of paternity.

Part C allows the department to require financial institutions to compare information about individuals who owe overdue child support to information about depositors and provides for the transfer of funds from an individual who has such a debt to the department.

Part D allows the department to issue a warrant for distraint to execute a support lien.

COMMITTEE AMENDMENT "A" (S-322) replaces the bill and does the following:

Sec. A-1 changes the name of the DHS bureau that administers AFDC from the Bureau of Income Maintenance to the Bureau of Family Independence

Sec. A-2 and A-3 repeals Agent Orange provisions, excluding funds recovered in Agent Orange agreements and suits from consideration as assets in applications for public assistance.

Sec. A-4 provides penalties within the Food Stamp Program for unauthorized issuance, redemption, use, transfer, acquisition, alteration or possession of coupons or other program access devices.

Sec. A-5 repeals general authority of DHS to administer the AFDC program. Enacts new authorization, with the purpose of promoting economic self-support. Includes program for unemployed parents. Commits DHS to promote support by parents of their children, to work to minimize teen pregnancies, to increase training and workforce partnerships, to ensure a hand-up rather than a handout.

Sec. A-6 repeals provision requiring AFDC recipients with children age 3 and older to register for ASPIRE, unless exempt under federal law or the parent of a child with special needs.

Sec. A-7 repeals provisions that do the following: require AFDC recipients to participate in education, training or employment, unless exempt as parent caring for a child under age 3. In "unemployed parents program" only 1 parent is exempt under this exemption and a parent under age 25 may opt for high school education or its equivalent instead. Custodial parent under age 20 may be required to complete high school, or obtain employment, up to 20 hours per week.

Enacts new requirements for AFDC program beginning October 1, 1995: cross-references family contract requirement of section A-12. Requires participation in education, training or employment program unless exempt (needed to care for child under age 2 or an impaired household member, unable to work due to a handicapping condition, has attained age 60 or older). Requires custodial parents under age 20 to attend courses to complete high school education and participate in ASPIRE-JOBS Program. Restricts AFDC benefits custodial parent under age 18 to voucher payments.

Sec. A-8 repeals authorization of DHS to administer AFDC for unemployed parents program. See new authorization in section A-5.

Sec. A-9 within the ASPIRE-JOBS Program, changes from 20% to 30% the program funds that may be used to serve persons regardless of date of their work evaluation.

Sec. A-10 does the following:

1. Repeals provisions on extended medical assistance, which provided the following: for a family leaving the AFDC program, the family is eligible for Medicaid. If the family income is between 133% and 185% of the federal poverty level, DHS may require the family to pay a premium not to exceed 3% of net family income. Services are the same as under AFDC.
2. Enacts a new provision on transitional medical assistance under which:
  - a. Families that lose AFDC eligibility due to increased earnings, number of hours worked or loss of disregards must have received AFDC for 3 of the last 6 months.
  - b. Directs DHS to seek a waiver of the 3/6 month requirement for families who lose eligibility because of employment obtained through AFDC program work search.
  - c. Requires reporting of income or circumstances in 5th and 11th months.
  - d. Imposes premiums of \$10 per month in months 6 to 9 and \$20 per month in months 10 to 12.
  - e. Services are the same as under AFDC.

Sec. A-11 does the following:

1. Repeals transitional child care provisions, under which a family qualifies for child care assistance after leaving the AFDC program. Families that are employed and lose AFDC eligibility due to increased earnings, number of hours worked or loss of disregards are eligible for child care when necessary for employment for up to 12 months. If the family income is between 133% and 185% of the federal poverty level, the family must pay 3% of family income toward the cost of child care, unless waived by DHS.
2. Enacts a new provision on transitional child care assistance with the following terms:
  - a. Families that lose AFDC eligibility due to increased earnings, number of hours worked or loss of disregards must have received AFDC for 3 of the last 6 months.
  - b. Directs DHS to seek a waiver of the 3/6 month requirement for families who lose eligibility because of work search through AFDC program.
  - c. Requires reporting of income or circumstances in 5th and 11th months.
  - d. Requires families to pay premiums for the first 3 months of \$10 per month, for the second 3 months of \$20 per month, and for the last 3 months of \$40 per month.

Sec. A-12 does the following:

1. Repeals the provision requiring ASPIRE-JOBS participants to sign mutual agreements outlining individual responsibilities for the ASPIRE-JOBS program.
2. Enacts a provision in the ASPIRE-JOBS program requiring a representative of DHS and each AFDC caretaker relative to sign a family contract, stating the responsibilities of the parties to the agreement. Failure to sign or abide by the terms of the contract results in sanctions, except if the failure is concerning referral to parenting activities and health care, when the consequence i.e. review and evaluation of the reason for noncompliance.

Sec. A-13 does the following:

1. Repeals Project Opportunity, a planned waiver project for AFDC and ASPIRE-JOBS that never became operational.
2. Enacts ASPIRE-Plus, a waiver application, 5-year work supplementation program in DHS Regions II, IV and V, for a maximum of 1500 participants.
3. Under the ASPIRE-Plus program, employers who hire AFDC recipients (who then are called ASPIRE-Plus participants and who leave AFDC because they are employed) may be reimbursed for wages paid to the employee/participant up to a maximum of 1/2 the minimum wage, which is paid from the AFDC benefit and Food Stamp allowance no longer paid to the participant/employee.
4. From the AFDC benefit and Food Stamp allowance no longer paid, the employee/participant is eligible for wage supplement payments to protect against employment resulting in a net loss in income.
5. The employee/participant is entitled to all child support money paid for a child in the family and is eligible for transitional child care and Medicaid.

Sec. A-14 amends the provision requiring DHS to make family planning services available to AFDC recipients. It substitutes a peer education project for the outreach program. If funding permits, the peer education program will provide permanent employment for AFDC recipients.

Sec. A-15 and 16 repeals provisions on carrying balances and carrying funds within the AFDC account within DHS. See Sec. A-17.

Sec. A-17 enacts new provisions on transfer of funds from the AFDC account to the ASPIRE account within DHS. Reporting required to the Human Resources Committee and the Appropriations Committee twice a year on the funds transferred and the number of ASPIRE-JOBS participants entering employment.

Sec. A-18 repeals the annual report of the Commissioner of DHS on the Standard of Need.

Sec. A-19 corrects language in the provisions that define ASPIRE and ASPIRE-JOBS.

Sec. A-20 enacts a provision on alternative aid, providing short-term assistance to families that qualify for AFDC but elect to receive non-AFDC cash assistance to obtain or retain employment. Aid may not exceed 3 months AFDC benefit and must be repaid if the family applies for AFDC within 3 months and the aid exceeds what would have been paid on AFDC.

Sec. A-21 repeals a definition section in the Job Opportunities Act of 1981.

Sec. A-22 repeals the education, training and placement provision in the Job Opportunities Act of 1981.

Sec. A-23 repeals the Welfare, Employment, Education and Training Program of the Job Opportunities Act of 1981.

Sec. A-24 repeals the Work Incentive Demonstration Program of the Job Opportunities Act of 1981.

Sec. A-25 and 26 amends the ASPIRE-JOBS provisions, substituting employment for education in the language of the provision.

Sec. A-27 and 28 repeals several provisions on good cause exceptions to participation in the ASPIRE-JOBS program that duplicate federal provisions.



Sec. A-29 to 32 amends the program requirements for ASPIRE-JOBS, changing "orientation" to "work evaluation," specifying items to be considered in the individual employability plan. Repeal readability and annual report of the ASPIRE program provisions.

Sec. A-33 adds to the program requirements for ASPIRE;

1. A requirement of 20 hours per week participation in job search, work evaluation, education, training and treatment and workforce-MaineServe.
2. Requires job searches of job ready participants.
3. Limits work evaluation to 90 days, unless extended by the Commissioner of DHS.
4. Limits education, training and treatment to 24 months, unless extended.
5. Workforce-MaineServe consists of paid employment, subsidized employment, apprenticeships or other mandatory work activities.

Adds to ASPIRE requirements that parents in the unemployed parents program participate in workforce-MaineServe, that participants who are attending school are not limited to 24 months, that teen participants attend traditional high school, and that participants whose participation is hindered by drug or alcohol abuse enter treatment.

Adds to ASPIRE authority for DHS to contract with agencies for job placement opportunities. Imposes requirements on all agencies with regard to workforce-MaineServe participation and priorities for AFDC recipients for child care and transportation and drug and alcohol treatment services.

Adds to ASPIRE that DHS request from the federal Department of Health and Human Services delegation to DHS of determination of job opportunity qualification for funding level purposes.

Sec. A-34 establishes the MaineServe program, providing volunteer opportunities for AFDC recipients who are over age 16 and finished with high school. MaineServe placements last 90 days after which there is an evaluation of the placement. The placement may be renewed or a new placement found.

Sec. A-35 repeals the ASPIRE provision on self-initiated training.

Sec. A-36 establishes the Interdepartmental Welfare Reform Committee, involving human services, education, labor, mental health and mental retardation, corrections, the technical colleges and substance abuse. Establishes within DHS a staff and recipient committee to advise the Commissioner.

Sec. A-37 directs DHS to apply for a waiver to exclude from consideration as an asset for the purposes of determining eligibility the family's primary vehicle used for transportation.

Sec. A-38 directs DHS to establish a day care task force to examine options for increasing options for day care for children.

Sec. A-39 to 41 provides transition and revision language.

Sec. A-42 directs DHS to apply for a waiver to replace the Project Opportunity program with ASPIRE-Plus.

Sec. A-43 directs cooperation among DHS and the Departments of Education, Labor and Mental Health and Mental Retardation to develop opportunities to serve AFDC recipients.

Sec. A-44 directs DHS and the Department of Education to work cooperatively to develop curriculum and materials on parenting and family responsibilities.

Sec. B-1 establishes the Commission to Study Poverty Among Working Parents, a 21 member commission charged with studying poverty, public assistance and economic development and making recommendations to the 118th Legislature.

Sec. C-1 to 4 enacts provisions required by federal law to make health benefits available to children under their parents' policies from insurers, Blue Cross Blue Shield and health maintenance organizations.

Sec. C-5 provides funding of \$500 for the expenses of the Commission to Study Poverty Among Working Parents.

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" (S-348) establishes the Commission on the Economic Impact of Time-limited Aid to Families with Dependent Children, a 9 member commission to study issues related to time limits on AFDC. The commission is required to report to the Human Resources Committee by February 1, 1996 and may submit legislation to the Second Regular Session of the 117th Legislature.

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" (H-650) imposes a home visit requirement. In department Regions II, IV and V requires home visits for all new AFDC families to complete the family contract, reinforce responsibilities and obtain and verify information.

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" (S-385) prohibits the Commission to Study Poverty Among Working Parents from meeting during legislative session and from receiving staff assistance from the Legislative Council during session.

**LD 1504 An Act to Clarify Terms and Increase Effectiveness of the Lead Poisoning Control Act**

PUBLIC 453

**SPONSOR(S)**

MITCHELL EH

**COMMITTEE REPORT**

OTP-AM MAJ  
ONTP MIN

**AMENDMENTS ADOPTED**

H-556

**SUMMARY**

This bill amends the Lead Poisoning Control Act.

1. It clarifies the definitions of certain terms in the Act.
2. It expands the focus of the Act from protecting children to protecting the public as a whole.
3. It directs the Department of Human Services to maintain a central registry of information from health-care providers, facilities and programs on lead poisoning.
4. It limits the award of damages for all losses involving lead poisoning to \$250,000.
5. It establishes lead warning requirements on the sale of paint and related items.
6. It establishes essential maintenance practices for all owners of buildings built before 1978.
7. It establishes the Maine State Advisory Council on Lead Poisoning Prevention to implement the Lead Poison Control Act.
8. It directs the Bureau of Insurance to conduct a study on medical policies and lead poisoning.
9. It directs the Real Estate Commission to provide a brochure on information regarding lead poisoning.