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An Act To Require a State Agency To Reference the Livable Wage in Information Published by That Agency

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

Whereas, the income eligibility criteria for most human services benefits and services designed to assist people in the efforts to move out of poverty are tied to the federal poverty level; and

Whereas, the current federal poverty measurement was created in the 1960s and has not been modified, except for adjustments for inflation, to reflect the massive economic, social and demographic shifts over the past 40 years; and

Whereas, the cost of food, which is the basis of the federal poverty level formula, has decreased from 1/3 to 1/8 of household spending, according to the United States Department of Labor, Bureau of Labor Statistics, and the federal poverty level calculation does not account for housing, child care, health care, transportation and variances in the cost of living across the nation; and

Whereas, the federal poverty level no longer represents a useful standard for describing or defining the needs of poor families; and

Whereas, with the current condition of the state and national economy, enrollment in human services safety net programs has significantly increased, which demands an accurate measurement of poverty to accurately identify and adequately serve state residents in need; and

Whereas, the Department of Labor has developed a state-specific measurement of poverty, the livable wage scale, which reflects a basic needs budget for the State that is current with the State's cost of living and economic environment; 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:

Sec. 1. 5 MRSA §58 is enacted to read:

§ 58. Including livable wage scale in agency-published information

1. Definitions. As used in this section, "agency" means a state department, agency, office, board, commission or quasi-independent agency, board, commission, authority or institution.

2. Agencies directed to reference Department of Labor livable wage scale in published information. An agency that publishes information that refers to the federal poverty level must also refer in that publication to the Department of Labor livable wage scale, as reported by the Department of Labor in the most recent annual report required pursuant to Title 26, section 1405.

Sec. 2. The Maine Council on Poverty and Economic Security directed to conduct assessment. The Maine Council on Poverty and Economic Security, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 6-H, shall, within existing budgeted resources, assess alternative measurements to the federal poverty level that may be used to define poverty in this State. In conducting this assessment, the council shall:

1. Examine alternative poverty measurements to the federal poverty level, including the Department of Labor's livable wage scale, the National Academy of Sciences measurement, the measurement developed by New York City and other relevant measurements;

2. Assess the relevance of existing poverty measurements to the economic and demographic composition of the population of this State and the efficacy of using one or more of the measurements or developing a separate state-specific measurement to identify individuals and families living in poverty; and

3. Analyze the feasibility of state and local agencies using an alternative measurement to the federal poverty level to develop poverty threshold eligibility criteria or identify poor individuals and families in need of services.

The council shall include its findings and recommendations from its assessment in its annual report to the Governor and the Legislature by February 15, 2010, pursuant to Title 5, section 13171, subsection 6. A copy of that report must be sent to each member of the Joint Standing Committee on Labor.

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

SUMMARY

This emergency bill directs any state agency that publishes information that refers to the federal poverty level to also refer to the Department of Labor livable wage scale in that publication. The bill also directs the Maine Council on Poverty and Economic Security to assess alternative measurements to the federal poverty level and to make recommendations for a state-specific poverty measurement to the Governor and the Legislature in its annual report by February 15, 2010.