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An Act To Restore Services To Help Certain Noncitizens Meet Their Basic Needs

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

Sec. 1. 22 MRSA §3104-A, as amended by PL 2013, c. 368, Pt. OO, §§1 and 2, is further amended to read:

§ 3104-A. Food supplement program for certain noncitizens

~~1. **Food assistance.** The department shall provide food assistance to households that would be eligible for assistance under the federal Food Stamp Act of 1977, 7 United States Code, Section 2011 et seq. and under the federal Food and Nutrition Act of 2008 but for provisions of Sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that are receiving food assistance under this subsection as of July 1, 2011. Any household receiving assistance as of that date 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 food 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 paragraph 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 paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.~~

1-A. **Food assistance.** The department shall provide food assistance to a household that would be eligible for assistance under the federal Food Stamp Act of 1977, 7 United States Code, Section 2011 et seq. and under the federal Food and Nutrition Act of 2008 but for provisions of Sections 401, 402 and 403 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, including to any person in the household who, in accordance with 8 United States Code, Section 1621(d), is:

A. Lawfully present in the United States with the knowledge and permission of the United States Department of Homeland Security and whose departure is not required by the United States Department of Homeland Security. This includes a person described in 45 Code of Federal Regulations, Section 152.2, subsections (1) to (7) or a person with deferred action under the United States Department of Homeland Security's deferred action for childhood arrivals process; or

B. Pursuing a lawful process to apply for immigration relief under the federal Immigration and Nationality Act, as long as the person has submitted an application for immigration relief or can provide verification that the person is taking reasonable steps to pursue the application process.

2. Amount of assistance. The total amount of food assistance provided under this section must equal the amount that the household would be eligible to receive under the federal Food Stamp Act of 1977, 7 United States Code, Sections 2014 and 2017 and under the federal Food and Nutrition Act of 2008 if the household were eligible for either of those programs.

3. Administration. The department shall provide assistance under this section to eligible households on a monthly basis through an electronic benefit transfer system.

Sec. 2. 22 MRSA §3174-BBB is enacted to read:

§ 3174-BBB. MaineCare coverage for certain noncitizens

The department shall provide the same scope of medical assistance provided under section 3174-G for comparable enrollment groups to a person who would be eligible for assistance under the federal Medicaid Program under Title XIX of the federal Social Security Act but for provisions of Sections 401, 402 and 403 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, including a person who, in accordance with 8 United States Code, Section 1621(d), is:

1. Lawfully present. Lawfully present in the United States with the knowledge and permission of the United States Department of Homeland Security and whose departure is not required by the United States Department of Homeland Security. This includes a person described in 45 Code of Federal Regulations, Section 152.2, subsections (1) to (7) or a person with deferred action under the United States Department of Homeland Security's deferred action for childhood arrivals process; or

2. Immigration relief. Pursuing a lawful process to apply for immigration relief under the federal Immigration and Nationality Act, as long as the person has submitted an application for immigration relief or can provide verification that the person is taking reasonable steps to pursue the application process.

Sec. 3. 22 MRSA §3273, sub-§9, as enacted by PL 1997, c. 643, Pt. WW, §1, is amended to read:

9. Supplemental security income for certain noncitizens. Supplemental State-funded supplemental security income for legal immigrants is governed by the following must be provided in accordance with this subsection.

A. The department shall provide assistance to ~~all aliens lawfully~~ a person residing in the United States who would be eligible for assistance under the federal supplemental security income program, 42 United States Code, Section 1381, et seq. except for the provisions of Sections 401, 402 and 403 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996., including a person who, in accordance with 8 United States Code, Section 1621(d), is:

(1) Lawfully present in the United States with the knowledge and permission of the United States Department of Homeland Security and whose departure is not required by the United States Department of Homeland Security. This includes a person described in 45 Code of Federal Regulations, Section 152.2, subsections (1) to (7) or a person with deferred action under the United States Department of Homeland Security's deferred action for childhood arrivals process; or

(2) Pursuing a lawful process to apply for immigration relief under the federal Immigration and Nationality Act, as long as the person has submitted an application for immigration relief or can provide verification that the person is taking reasonable steps to pursue the application process.

B. The total amount of monthly assistance provided under this section must equal the amount that the individual would be eligible to receive under the federal supplemental security income program, 42 United States Code, Section 1382, or its successor, if the individual were eligible for that program, and the state supplemental income payment provided to eligible individuals under section 3274.

Sec. 4. 22 MRSA §3762, sub-§3, ¶B, as amended by PL 2017, c. 256, §1; c. 284, Pt. NNNNNN, §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;~~

(2-A) To provide financial assistance to a person who, in accordance with 8 United States Code, Section 1621(d), is:

(a) Lawfully present in the United States with the knowledge and permission of the United States Department of Homeland Security and whose departure is not required by the United States Department of Homeland Security. This includes a person described in 45 Code of Federal Regulations, Section 152.2, subsections (1) to (7) or a person with deferred action under the United States Department of Homeland Security's deferred action for childhood arrivals process; or

(b) Pursuing a lawful process to apply for immigration relief under the federal Immigration and Nationality Act, as long as the person has submitted an application for immigration relief or can provide verification that the person is taking reasonable steps to pursue the application process;

(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. 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;

(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) 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.

SUMMARY

This bill removes limitations on food supplement program benefits and Temporary Assistance to Needy Families program benefits, provides MaineCare coverage and modifies language for state-funded supplemental security income to maintain consistency throughout the law for certain noncitizens who are lawfully present in the United States or pursuing a lawful process to apply for immigration relief.