



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1268

H.P. 868

House of Representatives, April 7, 2015

### **An Act To Reform Welfare by Establishing Bridges to Sustainable Employment**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GATTINE of Westbrook.  
Cosponsored by Senator HASKELL of Cumberland and  
Representatives: Speaker EVES of North Berwick, HAMANN of South Portland, ROTUNDO  
of Lewiston, STUCKEY of Portland, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 22 MRSA §3732, sub-§9** is enacted to read:

3 **9. Eligible applicants with irregular hours of employment.** The department shall  
4 establish rules that provide for reliable and uninterrupted access to subsidized child care  
5 for eligible applicants with irregular hours of employment.

6 **Sec. 2. 22 MRSA §3736, sub-§3** is enacted to read:

7 **3. Application; effective date.** If an applicant for child care programs administered  
8 under this chapter is determined eligible, child care assistance begins on the date of  
9 application and must be provided retroactively to the date of application.

10 **Sec. 3. 22 MRSA §3762, sub-§3**, as amended by PL 2013, c. 368, Pt. OO, §3 and  
11 Pt. UUU, §1 and affected by Pt. UUU, §2, is further amended to read:

12 **3. Administration.** The department may administer and operate a program of aid to  
13 needy dependent children, called "Temporary Assistance for Needy Families" or  
14 "TANF," ~~who are deprived of support or care due to the death, continued absence,~~  
15 ~~physical or mental incapacity of a parent or the unemployment or underemployment of~~  
16 ~~the principal wage earner~~ in accordance with the United States Social Security Act, as  
17 amended by PRWORA and DRA, and this Title.

18 A. The department shall adopt rules as necessary to implement and administer the  
19 program. The rules must include eligibility criteria, budgeting process, benefit  
20 calculation and confidentiality. The confidentiality rules must ensure that  
21 confidentiality is maintained for TANF recipients at least to the same extent that  
22 confidentiality was maintained for families in the Aid to Families with Dependent  
23 Children program unless otherwise required by federal law or regulation.

24 B. The department may use funds, insofar as resources permit, provided under and in  
25 accordance with the United States Social Security Act or state funds appropriated for  
26 this purpose or a combination of state and federal funds to provide assistance to  
27 families under this chapter. In addition to assistance for families described in this  
28 subsection, funds must be expended for the following purposes:

29 (1) To continue the pass-through of the first \$50 per month of current child  
30 support collections and the exclusion of the \$50 pass-through from the budget  
31 tests and benefit calculations;

32 (2) To provide financial assistance to noncitizens legally admitted to the United  
33 States who are receiving assistance under this subsection as of July 1, 2011.  
34 Recipients of assistance under this subparagraph are limited to the categories of  
35 noncitizens who would be eligible for the TANF programs but for their status as  
36 aliens under PRWORA. Eligibility for the TANF program for these categories of  
37 noncitizens must be determined using the criteria applicable to other recipients of  
38 assistance from the TANF program. Any household receiving assistance as of  
39 July 1, 2011 may continue to receive assistance, as long as that household  
40 remains eligible, without regard to interruptions in coverage or gaps in eligibility

1 for service. A noncitizen legally admitted to the United States who is neither  
2 receiving assistance on July 1, 2011 nor has an application pending for assistance  
3 on July 1, 2011 that is later approved is not eligible for financial assistance  
4 through a state-funded program unless that noncitizen is:

5 (a) Elderly or disabled, as described under the laws governing supplemental  
6 security income in 42 United States Code, Sections 1381 to 1383f (2010);

7 (b) A victim of domestic violence;

8 (c) Experiencing other hardship, such as time necessary to obtain proper  
9 work documentation, as defined by the department by rule. Rules adopted by  
10 the department under this division are routine technical rules as defined by  
11 Title 5, chapter 375, subchapter 2-A; or

12 (d) Unemployed but has obtained proper work documentation, as defined by  
13 the department by rule. Rules adopted by the department under this division  
14 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;

15 (3) To provide benefits to ~~certain~~ 2-parent families ~~whose deprivation is based on~~  
16 ~~physical or mental incapacity~~ with children using the same eligibility  
17 requirements as apply to families headed by a single custodial parent or caretaker  
18 relative;

19 (4) To provide an assistance program for needy children, 19 to 21 years of age,  
20 who are in full-time attendance in secondary school. The program is operated for  
21 those individuals who qualify for TANF under the United States Social Security  
22 Act, except that they fail to meet the age requirement, and is also operated for the  
23 parent or caretaker relative of those individuals. Except for the age requirement,  
24 all provisions of TANF, including the standard of need and the amount of  
25 assistance, apply to the program established pursuant to this subparagraph;

26 (5) To provide assistance for a pregnant woman who is otherwise eligible for  
27 assistance under this chapter, except that she has no dependents under 19 years of  
28 age. An individual is eligible for the monthly benefit for one eligible person if  
29 the medically substantiated expected date of the birth of her child is not more  
30 than 90 days following the date the benefit is received;

31 (6) To provide a special housing allowance for TANF families whose shelter  
32 expenses for rent, mortgage or similar payments, homeowners insurance and  
33 property taxes equal or exceed 75% of their monthly income. The special  
34 housing allowance is limited to \$200 per month for each family. For purposes of  
35 this subparagraph, "monthly income" means the total of the TANF monthly  
36 benefit and all income countable under the TANF program, plus child support  
37 received by the family, excluding the \$50 pass-through payment;

38 ~~(7) In determining benefit levels for TANF recipients who have earnings from~~  
39 ~~employment, the department shall disregard from monthly earnings the~~  
40 ~~following:~~

41 ~~(a) One hundred and eight dollars;~~

1                   (b) ~~Fifty percent of the remaining earnings that are less than the federal~~  
2                   ~~poverty level; and~~

3                   (c) ~~All actual child care costs necessary for work, except that the department~~  
4                   ~~may limit the child care disregard to \$175 per month per child or \$200 per~~  
5                   ~~month per child under 2 years of age or with special needs;~~

6                   (7-A) In determining eligibility and benefit levels, the department may apply a  
7                   gross income test only to applicants and not recipients and shall disregard the  
8                   following from the monthly earnings of recipients for the first 2 months of  
9                   employment during a period of continuous receipt of assistance uninterrupted by  
10                   a break in assistance of one month or more:

11                   (a) 100% of all earned income; and

12                   (b) All actual child care costs necessary for work, except that the department  
13                   may limit the child care disregard to \$175 per month per child or \$200 per  
14                   month per child under 2 years of age or with special needs;

15                   (7-B) In determining eligibility and benefit levels, the department may apply a  
16                   gross income test only to applicants and not recipients and shall disregard the  
17                   following from the monthly earnings of recipients from the beginning of the 3rd  
18                   month of employment during a period of continuous receipt of assistance  
19                   uninterrupted by a break in assistance of one month or more:

20                   (a) Two hundred and fifty dollars;

21                   (b) Fifty percent of the remaining earnings that are less than the federal  
22                   poverty level; and

23                   (c) All actual child care costs necessary for work, except that the department  
24                   may limit the child care disregard to \$175 per month per child or \$200 per  
25                   month per child under 2 years of age or with special needs;

26                   (8) In cases when the TANF recipient has no child care cost, the monthly TANF  
27                   benefit is the maximum payment level or the difference between the countable  
28                   earnings and the standard of need established by rule adopted by the department,  
29                   whichever is lower;

30                   (9) In cases when the TANF recipient has child care costs, the department shall  
31                   determine a total benefit package, including TANF cash assistance, determined in  
32                   accordance with ~~subparagraph (7)~~ subparagraphs (7-A) and (7-B) and additional  
33                   child care assistance, as provided by rule, necessary to cover the TANF  
34                   recipient's actual child care costs up to the maximum amount specified in section  
35                   3782-A, subsection 5. The benefit amount must be paid as provided in this  
36                   subparagraph.

37                   (a) Before the first month in which child care assistance is available to an  
38                   ASPIRE-TANF recipient under this paragraph and periodically thereafter, the  
39                   department shall notify the recipient of the total benefit package and the  
40                   following options of the recipient: to receive the total benefit package  
41                   directly; or to have the department pay the recipient's child care assistance

1 directly to the designated child care provider for the recipient and pay the  
2 balance of the total benefit package to the recipient.

3 (b) If an ASPIRE-TANF recipient notifies the department that the recipient  
4 chooses to receive the child care assistance directly, the department shall pay  
5 the total benefit package to the recipient.

6 (c) If an ASPIRE-TANF recipient does not respond or notifies the  
7 department of the choice to have the child care assistance paid directly to the  
8 child care provider from the total benefit package, the department shall pay  
9 the child care assistance directly to the designated child care provider for the  
10 recipient. The department shall pay the balance of the total benefit package  
11 to the recipient;

12 (10) Child care assistance under this paragraph must be paid by the department  
13 in a prompt manner that permits an ASPIRE-TANF recipient to access child care  
14 necessary for work; and

15 (11) The department shall adopt rules pursuant to Title 5, chapter 375 to  
16 implement this subsection. Rules adopted pursuant to this subparagraph are  
17 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **Sec. 4. 22 MRSA §3763, sub-§8**, as amended by PL 2005, c. 522, §1, is further  
19 amended to read:

20 **8. Alternative aid.** The department shall provide alternative aid to applicants who  
21 seek short-term assistance in order to obtain or retain employment. The applicants must  
22 meet the eligibility requirements established by rule adopted pursuant to section 3762,  
23 subsection 3, paragraph A. Two-parent families are eligible for alternative aid using the  
24 same eligibility requirements as families headed by a single custodial parent or caretaker  
25 relative. The alternative aid may not exceed 3 times the value of the monthly TANF  
26 grant for which the applicant's family is eligible. An eligible applicant may receive  
27 alternative aid no more than once during any 12-month period. If the family reapplies for  
28 TANF within 3 months of receiving alternative aid, the family shall repay any alternative  
29 aid received in excess of the amount that the family would have received on TANF. The  
30 method of repayment must be the same as that used for the repayment of unintentional  
31 overpayments in the TANF program.

32 **Sec. 5. 22 MRSA §3782-A, sub-§1-A** is enacted to read:

33 **1-A. Specialized navigator services for employment supports.** The department  
34 shall appoint a navigator to provide specialized navigator services for each participating  
35 family to assist that family in understanding rules and policies that provide support to  
36 those with earned income. The navigator shall offer each participating family the  
37 opportunity for an in-person meeting to learn how earned income affects benefit levels  
38 and transitional work supports including child care, transportation, medical and food  
39 assistance. The navigator shall advise the family on ways to maximize opportunities to  
40 achieve earned income without a corresponding loss of benefits and strategies to increase  
41 wages and improve employment prospects.

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

1            **6-A. Structured pathways development.** The department shall collaborate with the  
2 Department of Labor, employers in the State, the Maine Community College System and  
3 the University of Maine System to establish structured pathways leading to education,  
4 training and employment opportunities for any person eligible for the TANF program  
5 whether or not the person is receiving TANF cash assistance under the ASPIRE-TANF  
6 program. Structured pathways combine basic skills instruction with professional  
7 technical instruction leading to postsecondary credentials for jobs in demand in the State  
8 offering high wages and opportunities for career advancement. Pathways participants  
9 must be provided the same support services available to ASPIRE-TANF participants  
10 pursuant to this section. Pathways may include a transitional job, subsidized employment  
11 or an apprenticeship model that combines with a public-private partnership involving  
12 both employment and education when necessary and appropriate to the needs of the  
13 pathways participant. Any subsidized employment position established pursuant to this  
14 subsection must meet the requirements of Title 26, section 2171-A.

15            **Sec. 7. Department of Health and Human Services to convene a working**  
16 **group to improve employment outcomes through improved access to reliable**  
17 **transportation.** The Commissioner of Health and Human Services, or the  
18 commissioner's designee, shall convene a working group to review and make  
19 recommendations to establish a program to provide access to reliable transportation for  
20 families that qualify for assistance under the Temporary Assistance for Needy Families,  
21 or TANF, program, whether or not they receive TANF cash assistance at the time they  
22 are working or are actively seeking employment. The commissioner or the  
23 commissioner's designee shall convene the first meeting of the working group no later  
24 than October 1, 2015.

25            **1. Members.** The working group consists of 7 voting members. The commissioner,  
26 or the commissioner's designee, shall serve as a voting member. The commissioner shall  
27 appoint the following 6 additional members:

- 28            A. A representative of a nonprofit agency in the State with experience administering  
29 a program that facilitates the purchase of motor vehicles by persons with low income;
- 30            B. A representative of a nonprofit community action agency in the State with  
31 experience in the provision of transportation to persons with low income;
- 32            C. A representative of the Department of Transportation who is familiar with federal  
33 programs or other programs intended to provide transportation assistance for working  
34 families;
- 35            D. A representative of an advocacy organization representing the interests of persons  
36 with low income who has expertise in policy and legal matters relating to public  
37 assistance programs;
- 38            E. An employee employed by a career center that works directly with persons with  
39 low income who are employed or seeking employment; and
- 40            F. A person with a low income who has experienced difficulty in obtaining or  
41 maintaining employment because of a lack of access to reliable transportation.

1 The commissioner shall arrange for the working group to consult as necessary and  
2 appropriate with nonprofit organizations within New England whose mission is to create  
3 economic opportunity by providing affordable and reliable transportation options for  
4 needy persons.

5 **2. Duties.** The working group shall:

6 A. Review other transportation access programs in New England and elsewhere  
7 designed to provide access to affordable transportation for persons with low income  
8 who are employed or seeking employment, including car donation programs, low-  
9 interest loan programs, public or private nonprofit transportation providers and ride  
10 assistance programs;

11 B. Examine past experience of the Department of Health and Human Services in  
12 implementing similar transportation access programs and evaluate the successes and  
13 failures of those transportation access programs;

14 C. Determine what the standards for affordability must be to ensure that the  
15 transportation access program is administered in a manner that will best ensure access  
16 to needed transportation by families with low income;

17 D. Examine opportunities to purchase or arrange for the donation of retired state or  
18 municipal vehicles to benefit recipients of the transportation access program; and

19 E. Recommend methods and standards of administration that will, to the greatest  
20 extent feasible, ensure accountability, cost-effectiveness and uniform statewide  
21 access to transportation access program assistance.

22 **3. Report.** No later than January 1, 2016, the Commissioner of Health and Human  
23 Services shall submit the report of the working group with recommendations, a copy of  
24 proposed rules pursuant to subsection 4, and any suggested legislation to the Joint  
25 Standing Committee on Appropriations and Financial Affairs and the Joint Standing  
26 Committee on Health and Human Services.

27 **4. Rulemaking.** No later than February 1, 2016, the Department of Health and  
28 Human Services shall provisionally adopt major substantive rules in accordance with the  
29 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A that amend its Rule Chapter  
30 331: Public Assistance Manual (TANF - Temporary Assistance for Needy Families)  
31 consistent with the recommendations of the working group established in this section  
32 implementing a transportation access program for persons with low income who are  
33 employed or seeking employment. The Department of Health and Human Services is  
34 authorized to adopt emergency rules under Title 5, sections 8054 and 8073 as necessary  
35 to implement this subsection without the necessity of demonstrating that immediate  
36 adoption is necessary to avoid a threat to public health, safety or general welfare. The  
37 Department of Health and Human Services may use federal funds provided under the  
38 federal Social Security Act, Title IV, Part A or state funds that are used to meet the  
39 federal maintenance of effort requirements under TANF for costs associated with the  
40 implementation of a transportation access program.

1 **SUMMARY**

2 This bill makes the following changes to the laws governing public assistance, which  
3 are intended to provide bridges to employment:

4 1. Child care assistance begins on the date of application if the applicant is eligible;

5 2. The Department of Health and Human Services is directed to establish rules to  
6 provide uninterrupted access to subsidized child care for eligible persons with irregular  
7 hours of employment;

8 3. It provides Temporary Assistance for Needy Families, or TANF, benefits and  
9 alternative aid benefits to 2-parent families based on the same eligibility requirements as  
10 single-parent families have;

11 4. It changes the income amounts for TANF recipients who have employment  
12 earnings that are disregarded in calculating TANF benefits;

13 5. It directs the Department of Health and Human Services to set up specialized  
14 navigator services related to employment in the Additional Support for People in  
15 Retraining and Employment - Temporary Assistance for Needy Families program so that  
16 families receiving TANF benefits understand how earned income affects benefit levels  
17 and work supports;

18 6. It requires the Department of Health and Human Services, Department of Labor,  
19 Maine employers, the Maine Community College System and the University of Maine  
20 System to establish structured pathways leading to education, training and employment  
21 opportunities for persons eligible for TANF; and

22 7. It requires the Commissioner of Health and Human Services to convene a working  
23 group to review and make recommendations to establish a program to provide access to  
24 reliable transportation for families that qualify for assistance under TANF. The  
25 commissioner must report the findings of the working group to the Joint Standing  
26 Committee on Appropriations and Financial Affairs and the Joint Standing Committee on  
27 Health and Human Services by January 1, 2016. The Department of Health and Human  
28 Services must amend its TANF rules to incorporate the findings of the working group.