



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1375

S.P. 505

In Senate, April 28, 2015

### **An Act To Increase Accountability in Maine's Welfare Programs**

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by President THIBODEAU of Waldo. (GOVERNOR'S BILL)  
Cosponsored by Representative FREDETTE of Newport and  
Senators: BRAKEY of Androscoggin, HAMPER of Oxford, MASON of Androscoggin,  
Representatives: ESPLING of New Gloucester, MALABY of Hancock, SANDERSON of  
Chelsea, SIROCKI of Scarborough, TIMBERLAKE of Turner.

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

2 **Sec. 1. 22 MRSA §23, sub-§1, ¶B**, as corrected by RR 2011, c. 2, §23, is  
3 amended to read:

4 B. A gambling facility, as defined in Title 8, section 1001, subsection 16, except that  
5 use of the electronic benefits transfer system is permitted in any portion of the  
6 premises of a gambling facility that is set aside separately for the sale primarily of  
7 staple foods as defined in 7 United States Code, Section 2012(r); ~~or~~

8 **Sec. 2. 22 MRSA §23, sub-§1, ¶C**, as enacted by PL 2011, c. 687, §4, is  
9 amended to read:

10 C. A retail establishment that provides adult-oriented entertainment in which  
11 performers disrobe or perform in an unclothed state for entertainment; or

12 **Sec. 3. 22 MRSA §23, sub-§1, ¶D** is enacted to read:

13 D. A tobacco specialty store, as defined in section 1541, subsection 7.

14 **Sec. 4. 22 MRSA §3762, sub-§21** is enacted to read:

15 **21. Work search requirement.** Before TANF assistance may be granted to an  
16 applicant by the department, the applicant, if job ready as determined by the department,  
17 must apply in writing for 3 separate advertised jobs and produce verifiable documentation  
18 to the department of the applications. To satisfy this work search requirement, the job  
19 applications may be submitted at any time from one week prior to the date of the  
20 application to the department for TANF assistance to 2 weeks following that date.

21 **Sec. 5. 22 MRSA §3763, sub-§1-A**, as enacted by PL 2011, c. 380, Pt. PP, §4, is  
22 amended to read:

23 **1-A. Partial and full termination of benefits.** Benefits under this chapter must be  
24 terminated by the department under the provisions of subsection 1 and sections 3785 and  
25 3785-A as follows:

26 A. For a first failure to meet the conditions of a family contract, termination of  
27 benefits applies to the adult recipient;

28 B. For a first failure to meet the conditions of a family contract for which termination  
29 of benefits under paragraph A lasts for longer than 90 days and for a 2nd ~~and~~  
30 ~~subsequent~~ violation, termination of benefits applies to the adult recipient and the full  
31 family unit; ~~and~~

32 B-1. For a 3rd and subsequent violation, termination of benefits applies to the adult  
33 recipient and the full family unit for 6 consecutive months commencing upon  
34 termination; and

35 C. Prior to the implementation of a full family unit sanction, the department shall  
36 ~~offer the adult recipient an opportunity to claim good cause~~ follow the guidelines for  
37 noncompliance as described in section 3785.

1 Benefits that have been terminated under this subsection must be restored once the adult  
2 recipient signs a new contract under subsection 1 and complies with the provisions of the  
3 family contract.

4 **Sec. 6. 22 MRSA §3763, sub-§8**, as amended by PL 2005, c. 522, §1, is further  
5 amended to read:

6 **8. Alternative aid.** The department shall provide alternative aid to applicants who  
7 seek short-term assistance in order to obtain or retain employment. ~~The applicants~~ An  
8 applicant must meet the eligibility requirements established by ~~rule rules~~ rules adopted  
9 pursuant to section 3762, subsection 3, paragraph A and may not have reached the  
10 applicant's lifetime limit on assistance as described in section 3762, subsection 18. The  
11 alternative aid may not exceed 3 times the value of the monthly TANF grant for which  
12 the applicant's family is eligible. An eligible applicant may receive alternative aid no  
13 more than once during any ~~12-month~~ 24-month period. If the family reapplies for TANF  
14 within 3 months of receiving alternative aid, the family shall repay any alternative aid  
15 received in excess of the amount that the family would have received on TANF. The  
16 method of repayment must be the same as that used for the repayment of unintentional  
17 overpayments in the TANF program.

18 **Sec. 7. 22 MRSA §3763, sub-§§11 to 13** are enacted to read:

19 **11. Restriction on use of electronic benefits transfer system outside State.** A  
20 recipient of benefits under this chapter may not access those benefits through the  
21 electronic benefits transfer system established in section 22 outside of this State.

22 **12. Prohibited expenditures.** Benefits under this chapter may not be expended on  
23 the following:

24 A. Tobacco products, as defined in section 1551, subsection 3;

25 B. Imitation liquor and liquor, as defined in Title 28-A, section 2, subsections 13 and  
26 16, respectively;

27 C. Gambling activity, as defined in Title 8, section 1001, subsection 15;

28 D. Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-state  
29 Lotto Commission pursuant to Title 8, chapter 16;

30 E. Bail, as defined in Title 15, section 1003, subsection 1; or

31 F. Tattoo marks or figures, as described in Title 32, chapter 63.

32 **13. Restrictions on use of electronic benefits transfer system to withdraw cash.**  
33 In a monthly benefit period, a recipient of benefits under this chapter may not withdraw  
34 as cash an amount over 15% of the recipient's monthly benefits under this chapter  
35 received in the recipient's electronic benefits transfer system account. For purposes of  
36 this subsection, "monthly benefit period" means the period beginning the day the  
37 recipient receives the recipient's monthly benefit and ending the day before the recipient  
38 receives the next monthly benefit.

1           **Sec. 8. 22 MRSA §3785, sub-§§1 and 2**, as amended by PL 1993, c. 385, §18,  
2 are repealed.

3           **Sec. 9. 22 MRSA §3785, sub-§3**, as enacted by PL 1987, c. 856, §7, is repealed.

4           **Sec. 10. 22 MRSA §3785, sub-§§4 and 5**, as amended by PL 1993, c. 385, §18,  
5 are repealed.

6           **Sec. 11. 22 MRSA §3785, sub-§6**, as amended by PL 1997, c. 530, Pt. A, §21, is  
7 repealed.

8           **Sec. 12. 22 MRSA §3785, sub-§7**, as amended by PL 1993, c. 385, §18, is  
9 repealed.

10          **Sec. 13. 22 MRSA §3785, sub-§8**, as amended by PL 1997, c. 530, Pt. A, §22, is  
11 repealed.

12          **Sec. 14. 22 MRSA §3785, sub-§12**, as amended by PL 1997, c. 530, Pt. A, §23,  
13 is repealed.

14          **Sec. 15. 22 MRSA §3785-A, first ¶**, as enacted by PL 2001, c. 335, §1, is  
15 amended to read:

16           ~~Prior to imposing a sanction against an individual, the department must complete the~~  
17 The ~~sanction process, which~~ includes the following.

18          **Sec. 16. 22 MRSA §3785-A, sub-§1**, as enacted by PL 2001, c. 335, §1, is  
19 amended to read:

20           **1. Procedures.** Prior to imposing a sanction against an individual for failure to  
21 comply with Temporary Assistance for Needy Families or ASPIRE-TANF rules, the  
22 department shall:

23           A. Thoroughly review the circumstances of the individual; and

24           ~~B. Provide the individual with a notice that states the basis for the sanction and a~~  
25 ~~complete list of good cause reasons as set forth in section 3785;~~

26           ~~C. Provide the individual with an opportunity to inform the department of good~~  
27 ~~cause circumstances under section 3785; and~~

28           D. Obtain supervisory approval of the recommendation of the case manager to  
29 impose a sanction.

30          **Sec. 17. 22 MRSA §3785-A, sub-§1-A** is enacted to read:

31           **1-A. Notice of basis for sanction.** At the time of imposing a sanction against an  
32 individual for failure to comply with Temporary Assistance for Needy Families or  
33 ASPIRE-TANF rules, the department shall provide the individual with a notice that states  
34 the basis for the sanction and the good cause reason as set forth in section 3785.

1           **Sec. 18. 22 MRSA §3788, sub-§10, ¶C**, as amended by PL 2005, c. 480, §1, is  
2 repealed and the following enacted in its place:

3           C. For individuals who are satisfactorily participating in an education or training  
4 program, the department shall determine the acceptability of the activity for purposes  
5 of meeting the participation requirements of this chapter using the same criteria as are  
6 used for any individual in the ASPIRE-TANF program.

7           **Sec. 19. 22 MRSA §3788, sub-§11, ¶B**, as amended by PL 1997, c. 530, Pt. A,  
8 §26, is further amended to read:

9           B. ASPIRE-TANF participants who are attending school or are involved in an  
10 equivalent educational program recognized by the Department of Education or a local  
11 school board are considered to be in the education, training or treatment component  
12 ~~and their participation is not limited to 24 months.~~ The department shall encourage  
13 recipients younger than 20 years of age who have not completed high school to attend  
14 traditional high school.

15           **Sec. 20. 22 MRSA §3788, sub-§11, ¶D**, as enacted by PL 2001, c. 335, §3, is  
16 amended to read:

17           D. If a claim of disability or other good cause is made by a participant, the  
18 department shall assess the circumstances of the claim. If disability or other good  
19 cause is found to exist, the department shall offer reasonable alternative participation  
20 requirements to the extent required by federal law and document them in the  
21 participant's family contract and case record.

22           **Sec. 21. 22 MRSA §3790, sub-§3**, as repealed and replaced by PL 1999, c. 407,  
23 §1, is amended to read:

24           **3. Program requirements.** An enrollee must participate in a combination of  
25 education, training, study or work-site experience ~~for an average of 20 hours per week in~~  
26 a manner that meets federal work participation requirements in the first 24 12 months of  
27 the program. Aid under this chapter may continue beyond 24 12 months if the enrollee  
28 remains in an educational program and ~~agrees to participate in either of the following~~  
29 ~~options:~~ meets federal work participation requirements.

30           ~~A. Fifteen hours per week of work site experience in addition to other education,~~  
31 ~~training or study; or~~

32           ~~B. A total of 40 hours of education, training, study or work site experience.~~

33           ~~The department shall present both options to enrollees and permit them to choose either~~  
34 ~~option.~~ For the purpose of this subsection, work-site experience includes, but is not  
35 limited to, paid employment, work study, practicums, internships, clinical placements,  
36 laboratory or field work directly related to the enrollee's employment goal or any other  
37 work activities that, as determined by the department, will enhance the enrollee's  
38 employability in the enrollee's field. In the last semester of the enrollee's educational  
39 program, work-site experience may also include resume preparation, employment  
40 research, interviews and other activities related to job placement.

