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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 955, L.D. 1407, Bill, “An Act To Require Screening and Testing for Illegal Substances of Beneficiaries under the Temporary Assistance for Needy Families Program”

Amend the bill by striking out all of section 1 (page 1, lines 2 and 3 in L.D.) and inserting the following:

Sec. 1. 22 MRSA §3104, sub-§14, as amended by PL 2009, c. 291, §2, is further amended to read:

14. Prohibition against denial of assistance based on drug conviction. A person who is otherwise eligible to receive food assistance under the federal Food Stamp Act of 1977, 7 United States Code, Sections 2011 to 2036 and under the federal Food and Nutrition Act of 2008 may not be denied assistance because the person has been convicted of a drug-related felony as described in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, Section 115, 110 Stat. 2105 unless that person is ineligible pursuant to subsection 15.

Sec. 2. 22 MRSA §3104, sub-§15 is enacted to read:

15. Drug screening and testing. If a person who has been convicted of a drug-related felony, as described in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, Section 115, 110 Stat. 2105, applies for benefits under this section within 20 years of that person's date of conviction, the department shall apply the screening and drug testing process developed for the Temporary Assistance for Needy Families program recipients pursuant to section 3762, subsection 20. If the person tests positive for the unlawful use of a drug and declines to enter into a substance use disorder treatment plan pursuant to section 3762, subsection 20, paragraph M or if the person enters into but fails to meet a requirement of a substance use disorder treatment plan, including the person's refusal to take a drug test required by a substance use disorder treatment plan, or if the person tests positive for the unlawful use of a drug in a drug test required by a substance use disorder treatment plan, the department may no longer provide food assistance under the federal Food Stamp Act of 1977, Section 2011 et seq. and the person may not reapply at any time.'

COMMITTEE AMENDMENT

1 Amend the bill by striking out all of section 3 (page 1, line 14 in L.D.)

2 Amend the bill in section 4 in subsection 20 by inserting after paragraph N the
3 following:

4 'O. Notwithstanding paragraph N, if an adult applicant for or an adult recipient of
5 TANF benefits who has been convicted of a drug-related felony, as described in
6 Section 115 of PRWORA, declines within 20 years of that person's date of conviction
7 to enter into a substance use disorder treatment plan pursuant to paragraph M or if the
8 person enters into but fails to meet a requirement of a substance use disorder
9 treatment plan, including the person's refusal to take a drug test required by a
10 substance use disorder treatment plan, or if the person tests positive for the unlawful
11 use of a drug in a drug test required by a substance use disorder treatment plan, the
12 department may not provide or shall terminate cash assistance for the person, and the
13 person may not reapply for cash assistance.'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 **SUMMARY**

17 This amendment, which is Report A of the committee, removes the sections of the
18 bill that repeal provisions that prohibit the State's denying food assistance and Temporary
19 Assistance for Needy Families, TANF, benefits to a person who has been convicted of a
20 drug-related felony. It specifies that a person receiving TANF benefits who has been
21 convicted of a drug-related felony and is within 20 years of that person's date of
22 conviction is not able to reapply for cash assistance if the person fails a drug test, declines
23 to enter a treatment plan or fails to meet the requirements of the treatment plan. It
24 requires the Department of Health and Human Services to apply the same process to a
25 person receiving food benefits who was convicted of a drug-related felony and is within
26 20 years of that person's date of conviction.