



# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

---

Legislative Document

No. 1873

---

H.P. 1306

House of Representatives, March 22, 2018

**An Act To Align State-funded Benefits with Federal Eligibility Standards**

---

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative SANDERSON of Chelsea. (GOVERNOR'S BILL)

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

2 **PART A**

3 **Sec. A-1. 22 MRSA §3104-A**, as amended by PL 2013, c. 368, Pt. OO, §§1 and  
4 2, is repealed.

5 **Sec. A-2. 22 MRSA §3273, sub-§9**, as enacted by PL 1997, c. 643, Pt. WW, §1,  
6 is repealed.

7 **Sec. A-3. 22 MRSA §3762, sub-§3, ¶B**, as amended by PL 2017, c. 284, Pt.  
8 NNNNNNN, §10 and c. 290, §1, is further amended to read:

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

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

17 ~~(2) To provide financial assistance to noncitizens legally admitted to the United  
18 States who are receiving assistance under this subsection as of July 1, 2011.  
19 Recipients of assistance under this subparagraph are limited to the categories of  
20 noncitizens who would be eligible for the TANF programs but for their status as  
21 aliens under PRWORA. Eligibility for the TANF program for these categories of  
22 noncitizens must be determined using the criteria applicable to other recipients of  
23 assistance from the TANF program. Any household receiving assistance as of  
24 July 1, 2011 may continue to receive assistance, as long as that household  
25 remains eligible, without regard to interruptions in coverage or gaps in eligibility  
26 for service. A noncitizen legally admitted to the United States who is neither  
27 receiving assistance on July 1, 2011 nor has an application pending for assistance  
28 on July 1, 2011 that is later approved is not eligible for financial assistance  
29 through a state-funded program unless that noncitizen is:~~

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

32 ~~(b) A victim of domestic violence;~~

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

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

- 1 (3) To provide benefits to certain 2-parent families whose deprivation is based on  
2 physical or mental incapacity;
- 3 (4) To provide an assistance program for needy children, 19 to 21 years of age,  
4 who are in full-time attendance in secondary school. The program is operated for  
5 those individuals who qualify for TANF under the United States Social Security  
6 Act, except that they fail to meet the age requirement, and is also operated for the  
7 parent or caretaker relative of those individuals. Except for the age requirement,  
8 all provisions of TANF, including the standard of need and the amount of  
9 assistance, apply to the program established pursuant to this subparagraph;
- 10 (5) To provide assistance for a pregnant woman who is otherwise eligible for  
11 assistance under this chapter, except that she has no dependents under 19 years of  
12 age. An individual is eligible for the monthly benefit for one eligible person if  
13 the medically substantiated expected date of the birth of her child is not more  
14 than 90 days following the date the benefit is received;
- 15 (6) To provide a special housing allowance for TANF families whose shelter  
16 expenses for rent, mortgage or similar payments, homeowners insurance and  
17 property taxes equal or exceed 50% of their monthly income. The special  
18 housing allowance is limited to \$200 per month for each family. For purposes of  
19 this subparagraph, "monthly income" means the total of the TANF monthly  
20 benefit and all income countable under the TANF program, plus child support  
21 received by the family, excluding the \$50 pass-through payment;
- 22 (7) In determining benefit levels for TANF recipients who have earnings from  
23 employment, the department shall disregard from monthly earnings the  
24 following:
- 25 (a) One hundred and eight dollars;
- 26 (b) Fifty percent of the remaining earnings that are less than the federal  
27 poverty level; and
- 28 (c) All actual child care costs necessary for work, except that the department  
29 may limit the child care disregard to \$175 per month per child or \$200 per  
30 month per child under 2 years of age or with special needs;
- 31 (7-A) In determining eligibility and benefit levels, the department may apply a  
32 gross income test only to applicants and not to recipients;
- 33 (7-B) In addition to the earned income disregards provided in subparagraph (7),  
34 a TANF recipient who enters employment must receive a one-time employment  
35 incentive payment of \$400 if that TANF recipient retains employment for the  
36 subsequent 4 months after entering employment, to be paid at the end of that 4-  
37 month period. This subparagraph is repealed December 31, 2018;
- 38 (8) In cases when the TANF recipient has no child care cost, the monthly TANF  
39 benefit is the maximum payment level or the difference between the countable  
40 earnings and the standard of need established by rule adopted by the department,  
41 whichever is lower;

1 (9) In cases when the TANF recipient has child care costs, the department shall  
2 determine a total benefit package, including TANF cash assistance, determined in  
3 accordance with subparagraph (7) and additional child care assistance, as  
4 provided by rule, necessary to cover the TANF recipient's actual child care costs  
5 up to the maximum amount specified in section 3782-A, subsection 5. The  
6 benefit amount must be paid as provided in this subparagraph.

7 (a) Before the first month in which child care assistance is available to an  
8 ASPIRE-TANF recipient under this paragraph and periodically thereafter, the  
9 department shall notify the recipient of the total benefit package and the  
10 following options of the recipient: to receive the total benefit package  
11 directly; or to have the department pay the recipient's child care assistance  
12 directly to the designated child care provider for the recipient and pay the  
13 balance of the total benefit package to the recipient.

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

17 (c) If an ASPIRE-TANF recipient does not respond or notifies the  
18 department of the choice to have the child care assistance paid directly to the  
19 child care provider from the total benefit package, the department shall pay  
20 the child care assistance directly to the designated child care provider for the  
21 recipient. The department shall pay the balance of the total benefit package  
22 to the recipient;

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

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

29 **Sec. A-4. Appropriations and allocations.** The following appropriations and  
30 allocations are made.

31 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

32 **Food Supplement Administration Z019**

33 Initiative: Reduces funding in the General Fund in the Food Supplement Administration  
34 program by eliminating state-funded Supplemental Nutrition Assistance Program benefits  
35 for noncitizens who do not meet federal eligibility requirements.

36	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
37	All Other	\$0	(\$1,396,164)
38			
39	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$1,396,164)</b>

40 **State Supplement to Federal Supplemental Security Income 0131**

1 Initiative: Reduces funding in the General Fund in the State Supplement to Federal  
 2 Supplemental Security Income program by aligning state policy with federal policy and  
 3 discontinuing state supplemental income cash benefits for noncitizens beyond the level of  
 4 support the Federal Government already provides.

5	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
6	All Other	\$0	(\$1,435,038)
7			
8	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$1,435,038)</u>

9 **Temporary Assistance for Needy Families 0138**

10 Initiative: Reduces funding in the General Fund in the Temporary Assistance for Needy  
 11 Families program by discontinuing the award of state-funded Temporary Assistance for  
 12 Needy Families benefits to noncitizens beyond the level of support the Federal  
 13 Government provides.

14	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
15	All Other	\$0	(\$799,517)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$799,517)</u>

18	<b>HEALTH AND HUMAN SERVICES,</b>		
19	<b>DEPARTMENT OF</b>		
20	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
21			
22	GENERAL FUND	(\$0)	(\$3,630,719)
23			
24	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$0)</u>	<u>(\$3,630,719)</u>

25 **PART B**

26 **Sec. B-1. 22 MRSA §4301, sub-§3**, as amended by PL 2015, c. 324, §1, is  
 27 further amended to read:

28 **3. Eligible person.** "Eligible person" means a person who is qualified to receive  
 29 general assistance from a municipality according to standards of eligibility determined by  
 30 the municipal officers whether or not that person has applied for general assistance.  
 31 "Eligible person" does not include a person who is a fugitive from justice as defined in  
 32 Title 15, section 201, subsection 4 and does not include noncitizens who are not eligible  
 33 for federal benefits pursuant to 8 United States Code, Sections 1621 and 1641. Beginning  
 34 July 1, 2015, in accordance with 8 United States Code, Section 1621(d), "eligible person"  
 35 means a person who is lawfully present in the United States or who is pursuing a lawful  
 36 process to apply for immigration relief, except that assistance for such a person may not  
 37 exceed 24 months.

