



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1402

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H.P. 951

House of Representatives, May 12, 2015

### **An Act To Reward Work Performed by Welfare Recipients**

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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 "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FREDETTE of Newport. (GOVERNOR'S BILL)  
Cosponsored by President THIBODEAU of Waldo and  
Representatives: DUNPHY of Embden, FOLEY of Wells, SANDERSON of Chelsea,  
Senators: BRAKEY of Androscoggin, KATZ of Kennebec.

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

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

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

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

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

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

27 (b) A victim of domestic violence;

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

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

35 (3) To provide benefits to certain 2-parent families whose deprivation is based on  
36 physical or mental incapacity;

37 (4) To provide an assistance program for needy children, 19 to 21 years of age,  
38 who are in full-time attendance in secondary school. The program is operated for  
39 those individuals who qualify for TANF under the United States Social Security  
40 Act, except that they fail to meet the age requirement, and is also operated for the  
41 parent or caretaker relative of those individuals. Except for the age requirement,

1 all provisions of TANF, including the standard of need and the amount of  
2 assistance, apply to the program established pursuant to this subparagraph;

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

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

15 (7) In determining benefit levels for TANF recipients who have earnings from  
16 employment, the department shall disregard from monthly earnings the  
17 following:

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

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

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

24 (d) For a recipient employed 40 or more hours per week and who meets work  
25 participation requirements as defined in federal TANF rules, 100% of the  
26 gross earned income for the first full month of employment and the next  
27 consecutive month of employment, 75% of the gross earned income for the  
28 next 6 consecutive months of employment and 50% of the gross earned  
29 income for each additional consecutive month of employment thereafter; and

30 (e) For a recipient employed less than 40 hours per week and who meets  
31 work participation requirements as defined in federal TANF rules, 100% of  
32 the gross earned income for the first full month of employment, 75% of the  
33 gross earned income for the next 6 consecutive months of employment and  
34 50% of the gross earned income for each additional consecutive month of  
35 employment thereafter.

36 The department may disregard 100% of earnings for a recipient under this  
37 subparagraph only one time in a 12-month period;

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. 2. 22 MRSA §3762, sub-§8, ¶B**, as amended by PL 2013, c. 97, §1, is  
30 further amended to read:

31 B. The department shall provide limited transitional transportation benefits to meet  
32 employment-related costs to ASPIRE-TANF program participants who lose  
33 eligibility for TANF assistance due to employment. The department may also make  
34 transitional transportation benefits available to families in which one or both adults  
35 are working and who, although they remain financially eligible for TANF benefits,  
36 request that their benefits be terminated. Benefits may be provided for up to ~~12~~ 18  
37 months following loss of TANF eligibility. The department may adopt rules that  
38 impose a weekly limit on available transitional transportation benefits and that  
39 require a contribution from each participant toward the cost of transportation.

40 **Sec. 3. 22 MRSA §3769-D** is enacted to read:

1 **§3769-D. Temporary Assistance for Needy Families block grant; family**  
2 **development accounts**

3 In fiscal year 2016-17 and annually thereafter, the Department of Health and Human  
4 Services may use \$500,000 in funds provided under the Temporary Assistance for Needy  
5 Families block grant to promote financial literacy and healthy saving habits of families  
6 with income less than 200% of the federal poverty guidelines through the placement of  
7 funds in family development accounts established pursuant to Title 10, chapter 110,  
8 subchapter 4-A.

9 **SUMMARY**

10 This bill revises the earnings from employment the Department of Health and Human  
11 Services disregards when determining benefit levels for recipients under the Temporary  
12 Assistance for Needy Families program in order to provide recipients who are working  
13 with a greater earnings disregard depending on the amount of hours they work per week  
14 and whether or not they are meeting federal work participation requirements.

15 The bill also increases the number of months eligible individuals may receive  
16 transitional transportation benefits from 12 months to 18 months.

17 The bill also authorizes the Department of Health and Human Services, beginning in  
18 fiscal year 2016-17, to use \$500,000 from the Temporary Assistance for Needy Families  
19 block grant to promote financial literacy and healthy saving habits of families with  
20 income less than 200% of the federal poverty guidelines by placing funds in family  
21 development accounts.