

**Testimony of the
Department of Health and Human Services**

Before the Joint Standing Committee on Health and Human Services

In Support of LD 1443

An Act to Make Convicted Drug Felons Ineligible for TANF Assistance

Submitted by the Department of Health and Human Services Pursuant to Joint Rule 204

Hearing Date: May 3, 2013

Senator Craven, Representative Farnsworth and Members of the Joint Standing Committee, I am Dale Denno, the Director for the Office for Family Independence. I am here today to speak in support of LD 1443 – An Act to Make Convicted Felons Ineligible for TANF Assistance.

LD 1443 proposes to deny eligibility under the Temporary Assistance for Needy Families (TANF) program for individuals who have been convicted of a felony drug offense after August 22, 1996. The LD also repeals the prior statutory language allowing the Department of Health and Human Services to administer drug tests to persons convicted of a drug-related felony, recognizing the legal and practical challenges raised by that approach. This proposal allows the Department to conform its practices to federal law, and to implement a practical and cost-effective solution to prevent public assistance monies from being allocated to drug felons.

In 1996, the U.S. Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Part of that legislation prohibited individuals who had been convicted of drug felonies from obtaining TANF benefits. Maine has not, until now, aligned its rules to that standard. This proposal would synchronize Maine standards with federal rules.

LD 1443 recognizes the commonly-held belief that public financial assistance should not be provided to individuals who have been convicted of serious drug crimes. The long-term viability of any program of public assistance depends on the broad support of the body politic. The taxpayers of the States do not begrudge providing TANF benefits for the family whose breadwinner has lost their job, or become disabled, or has otherwise suffered financial disaster through no fault of their own—these misfortunes can happen to anyone. But for individuals who have chosen to engage in criminal behavior involving drugs—most typically drug trafficking—there is no parallel public support for the disposition of public resources.

The LD requires individuals applying for or receiving TANF benefits to sign a written statement declaring whether they have been convicted of a felony drug offense during the applicable period. For those individuals who have been so convicted, TANF benefits will be denied. Administration will not be burdensome, and program expectations will be clear and precise. The Department believes that adoption of this LD will serve the purpose of sending a message of condemnation of drug felonies, and will provide assurance to the taxpayers of the State of Maine that their hard-earned money will not reward reprehensible personal behavior.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.