

## CHAPTER 1054-A

### ADDITIONAL SUPPORT FOR PEOPLE IN RETRAINING AND EMPLOYMENT - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

#### §3781. Additional Support for People in Retraining and Education Program established (REPEALED)

##### SECTION HISTORY

PL 1987, c. 856, §7 (NEW). PL 1989, c. 501, Pt. Y, §2 (AMD). PL 1989, c. 839, §3 (AMD). PL 1991, c. 9, §§M3-5 (AMD). PL 1991, c. 528, §§F10,11 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§F10,11 (AMD). PL 1991, c. 622, §M19 (AMD). PL 1993, c. 385, §15 (RP).

#### §3781-A. Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families established

**1. ASPIRE-TANF program defined.** "ASPIRE-TANF program" means the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program established pursuant to this chapter and the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. "TANF" means the program created in chapter 1053-B.  
[PL 1997, c. 530, Pt. A, §18 (AMD).]

**2. Administration.** The ASPIRE-TANF program is established. The department shall administer the program.  
[PL 1997, c. 530, Pt. A, §18 (AMD).]

**3. Purpose.** The purpose of this program is to provide services and support to recipients of Temporary Assistance for Needy Families and to reduce dependence on public assistance to the extent that adequate funding is available for that purpose. The principal goal is to focus on helping people obtain and retain employment that sustains their families.  
[PL 1997, c. 530, Pt. A, §18 (AMD).]

**4. Limitation or reduction of services when resources inadequate.** The department shall adopt rules in accordance with the Maine Administrative Procedure Act that include methods for limiting or reducing services when adequate resources are not available.  
[PL 1993, c. 385, §16 (NEW).]

##### SECTION HISTORY

PL 1993, c. 385, §16 (NEW). PL 1995, c. 418, §A25 (AMD). PL 1997, c. 530, §A18 (AMD).

#### §3782. Program (REPEALED)

##### SECTION HISTORY

PL 1987, c. 856, §7 (NEW). PL 1989, c. 443, §57 (AMD). PL 1989, c. 501, Pt. Y, §3 (AMD). PL 1991, c. 9, Pt. M, §6 (RP).

#### §3782-A. ASPIRE-TANF program

**1. Case management services.** The department shall provide case management services to individuals participating in the ASPIRE-TANF program, referred to in this section as the "program." The department shall adopt rules in accordance with the Maine Administrative Procedure Act defining or describing those services.  
[PL 1997, c. 530, Pt. A, §19 (AMD).]

**2. Purchase of services.** The department may contract with public and private agencies and individuals to deliver employment, training and other services for program participants consistent with the purposes of the program.

Program funds may not be used to purchase services from an agency under this subsection that are available on a nonreimbursable basis, if those nonreimbursable services meet the needs of a program participant.

[PL 1993, c. 385, §17 (RPR).]

**3. Monitoring of contract agencies.** If the department contracts for the provision of program services under this section, it shall monitor each contract agency at least annually to ensure compliance with sections 3786 and 3788 to ensure compliance with the contracts entered into by the parties and to ensure that quality services are provided for program participants. The department shall adopt rules in accordance with the Maine Administrative Procedure Act by which satisfactory performance is measured. The rules must identify the circumstances under which sanctions, including contract suspension, reduction or termination, are applied.

[PL 1993, c. 385, §17 (RPR).]

**4. Rural access.** The department shall adopt rules in accordance with the Maine Administrative Procedure Act to provide access to Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program services for recipients of Temporary Assistance for Needy Families living in rural areas. Services must be provided on an equitable basis throughout the State. Access to these services may be reasonably limited by the department due to factors such as availability of staff and funding. The rules adopted by the department must include, in addition to other methods necessary to achieve this goal, adequate provisions for itinerant service stationing.

[PL 1997, c. 530, Pt. A, §19 (AMD).]

**5. Child care during participation in employment, education and training.** The department shall provide child care in accordance with federal law and this Title when the child care is necessary to permit a TANF-eligible family member to participate in the ASPIRE-TANF program.

A. The department shall establish payment rates for child care services that are up to the 75th percentile of local market rates for the various categories of child care services. The payment rates for child care services for children with special needs may be higher than the 75th percentile of local market rates. [PL 2017, c. 412, §4 (NEW).]

B. The department shall provide an ASPIRE-TANF program participant's actual cost for child care up to the maximum rate authorized by federal law. In determining the maximum rate, the State shall use a method that results in an amount that equals, or most closely approaches, the actual market rate in different regions of the State for various types of child care services received by families in the State participating in the ASPIRE-TANF program. [PL 2017, c. 412, §4 (NEW).]  
[PL 2017, c. 412, §4 (RPR).]

**6. Rulemaking.** The department shall adopt rules to implement this section. Except as specifically provided, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 475, Pt. A, §38 (AMD).]

#### SECTION HISTORY

PL 1991, c. 9, §M7 (NEW). PL 1993, c. 385, §17 (RPR). PL 1995, c. 418, §A26 (AMD). PL 1997, c. 530, §A19 (AMD). PL 2017, c. 412, §4 (AMD). PL 2017, c. 475, Pt. A, §38 (AMD).

#### §3783. Transitional support services

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 856, §7 (NEW). PL 1989, c. 839, §§4,15 (RP).

**§3784. Medical assistance program**

**(REPEALED)**

SECTION HISTORY

PL 2018, c. 10001, §29 (NEW). PL 1987, c. 856, §7 (NEW). PL 1989, c. 501, §§P27,Y4 (AMD). PL 1989, c. 839, §§5,15 (AMD).

**§3785. Sanctions**

An individual may not be sanctioned under this program or Temporary Assistance for Needy Families for failure to participate in the ASPIRE-TANF program if that failure to participate is based on good cause. Each individual participating in an ASPIRE-TANF orientation must receive written and oral notice of what constitutes good cause for nonparticipation in ASPIRE-TANF including the domestic violence exception. Good cause for failure to participate in this program must be found when there is reasonable and verifiable evidence of: [PL 1997, c. 530, Pt. A, §20 (AMD).]

**1. Illness or incapacitation.** The individual's illness, incapacity or advanced age, or the illness or incapacity of a household member, that requires the individual to provide care in the home; [PL 1993, c. 385, §18 (AMD).]

**2. Sexual harassment.**  
[PL 2017, c. 284, Pt. NNNNNNN, §13 (RP).]

**3. Court-required appearance; incarceration.** Court-required appearance or incarceration; [PL 1987, c. 856, §7 (NEW).]

**4. Lack of supportive services.**  
[PL 2017, c. 256, §2 (RP).]

**5. Inclement weather.**  
[PL 2017, c. 256, §2 (RP).]

**6. Assignment to another activity.**  
[PL 2017, c. 256, §2 (RP).]

**7. Remoteness.**  
[PL 2017, c. 256, §2 (RP).]

**8. Crisis or special circumstance.** A crisis, special circumstance or other reason that the department determines to be good cause that causes an individual to be absent from or discontinue a department activity about which the department has been advised, including lack of transportation or child care necessary for participation when the individual does not have reasonable access to that service and the department cannot offer a reasonable alternative to enable the individual to participate. If an individual has access to transportation that is reasonable under the circumstances through any program at the department, the individual is ineligible to receive an exemption based on lack of transportation; or  
[PL 2017, c. 284, Pt. NNNNNNN, §14 (AMD).]

**9. Good cause.**  
[PL 1989, c. 839, §8 (RP).]

**10. Caretakers of children under 6 years of age.**  
[PL 1995, c. 418, Pt. A, §28 (RP).]

**11. Net loss of cash income.**  
[PL 1995, c. 418, Pt. A, §28 (RP).]

**12. Other good cause.**

[PL 2017, c. 256, §2 (RP).]

**13. Domestic violence.** Inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of abuse; because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other good cause related to domestic violence. For the purposes of this subsection, reasonable and verifiable evidence may include but is not limited to the following:

A. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence; or [PL 1997, c. 530, Pt. A, §24 (NEW).]

B. Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual. [PL 1997, c. 530, Pt. A, §24 (NEW).]

[PL 1997, c. 530, Pt. A, §24 (NEW).]

**SECTION HISTORY**

PL 1987, c. 856, §7 (NEW). PL 1989, c. 839, §§6-9 (AMD). PL 1991, c. 528, §F12 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §F12 (AMD). PL 1993, c. 385, §18 (AMD). PL 1995, c. 418, §§A27,28 (AMD). PL 1997, c. 530, §§A20-24 (AMD). PL 2017, c. 256, §2 (AMD). PL 2017, c. 284, Pt. NNNNNNN, §§13, 14 (AMD).

**§3785-A. Sanction process**

Prior to imposing a sanction against an individual, the department must complete the sanction process, which includes the following. [PL 2001, c. 335, §1 (NEW).]

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

A. Thoroughly review the circumstances of the individual; [PL 2001, c. 335, §1 (NEW).]

B. Provide the individual with a notice that states the basis for the sanction and a complete list of good cause reasons as set forth in section 3785; [PL 2001, c. 335, §1 (NEW).]

C. Provide the individual with an opportunity to inform the department of good cause circumstances under section 3785; and [PL 2001, c. 335, §1 (NEW).]

D. Obtain supervisory approval of the recommendation of the case manager to impose a sanction. [PL 2001, c. 335, §1 (NEW).]

[PL 2001, c. 335, §1 (NEW).]

**2. Information and report.** The department shall maintain the following data, compiled and maintained by county and by calendar month, regarding the imposition of sanctions:

A. The number of sanctions recommended by case managers to supervisors; and [PL 2001, c. 335, §1 (NEW).]

B. The number of sanctions denied or approved and imposed by the department. [PL 2001, c. 335, §1 (NEW).]

[PL 2001, c. 335, §1 (NEW).]

**3. Rulemaking.** The department shall adopt rules to implement the sanction procedures required by this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

[PL 2001, c. 335, §1 (NEW).]

**SECTION HISTORY**

PL 2001, c. 335, §1 (NEW).

**§3786. Rules**

The department shall adopt rules in accordance with the Maine Administrative Procedure Act for the implementation of this chapter. [PL 1993, c. 385, §19 (AMD).]

Rules governing services provided under this chapter apply equally to all participating Temporary Assistance for Needy Families recipients, whether those services are provided by the department or any other agency, organization or individual providing TANF program services to participants. [PL 1997, c. 530, Pt. A, §25 (AMD).]

**SECTION HISTORY**

PL 1987, c. 856, §7 (NEW). PL 1991, c. 9, §M8 (AMD). PL 1993, c. 385, §19 (AMD). PL 1997, c. 530, §A25 (AMD).

**§3787. Availability of funds**

Nothing in this chapter may be construed to mean that a department, agency, institution or program is required to obligate or expend funds beyond existing funds available to them for these purposes. [PL 1993, c. 385, §20 (AMD).]

**SECTION HISTORY**

PL 1987, c. 856, §7 (NEW). PL 1993, c. 385, §20 (AMD).

**§3788. Program requirements**

**1. Notice of program assistance.** The department shall provide written notice to all applicants for and recipients of the Temporary Assistance for Needy Families program of the range of education, employment and training opportunities, and the types of support services, including transitional support services and medical assistance, available under the ASPIRE-TANF program, together with a statement that all participants may apply for those opportunities and services. [PL 1997, c. 530, Pt. A, §26 (AMD).]

**1-A. Information about and application for Parents as Scholars.** When there are fewer than 2,000 enrollees in the Parents as Scholars Program under chapter 1054-B, the department shall inform all persons applying for ASPIRE-TANF and all ASPIRE-TANF participants reviewing or requesting to amend their education, training or employment program under ASPIRE-TANF of the program and shall offer them the opportunity to apply for the program. [PL 1997, c. 530, Pt. A, §26 (NEW).]

**2. Application; decision.** As part of the orientation process for ASPIRE-TANF, all participants must be given the opportunity to apply for any education, training and employment and support services at the office of the program serving the area in which the individual lives. At orientation, each participant shall receive a complete list of all support services and education, training and employment services available under the ASPIRE-TANF program so that the individual may identify the services that the individual considers necessary to participate in the program. A written copy of each amendment to the family contract must be given to the participant, together with a complete list of all support services and education, training and employment services available under the program and notice of the participant's right to request a conciliation meeting and a fair hearing. A participant may request an amendment to the participant's family contract at any time. If the participant's request is denied, the participant must be notified in writing of the reason for the denial and must be given notice of right to a fair hearing. [PL 1997, c. 530, Pt. A, §26 (AMD).]

**3. Assessment.** Each participant's case manager shall conduct an initial assessment to determine that individual's education, training and employment needs based on available program resources, the

participant's skills and aptitudes, the participant's need for supportive services, local employment opportunities, the existence of any good cause circumstances under section 3785 and, to the maximum extent possible, the preferences of the participant. The department shall document findings in the participant's case record indicating any barriers to participation, including, but not limited to, any physical or mental health problems, including learning disabilities or cognitive impairments, or other good cause circumstances specified in section 3785.

[PL 2013, c. 376, §1 (AMD).]

**3-A. Comprehensive screening and assessment.** If upon an initial screening or at a later date it is determined that a participant has physical or mental health impairments, learning disabilities, cognitive impairments or limitations related to providing care for a household member with a disability or serious illness or a child with a serious behavioral condition, the participant must be offered the opportunity for a comprehensive assessment that may result in referral for alternative services, supports and income benefits. If the participant chooses to have a comprehensive assessment, the participant must be referred to a qualified professional to identify the strengths and needs of and barriers faced by that participant. The participant's case manager shall ensure that any accommodation or support services necessary for the participant to participate in the assessment are made available to the participant. The participant may supplement this assessment with medical records or any other credible information related to the participant's ability to participate in program activities. An assessment under this subsection may also be initiated at the choice of the participant at any time. The individual performing this assessment shall recommend to the case manager any services, supports and programs needed to improve the economic self-sufficiency and well-being of the participant and the participant's family based on the assessment.

In coordination with the participant, the case manager shall establish a plan for the participant and the participant's family based on the assessment that includes appropriate services, supports and programs consistent with the findings and recommendations of the assessment that may include:

A. Referral to a community agency qualified to assist the participant with services, supports, education, training and accommodations needed to reduce or overcome any barriers to achieving self-sufficiency and to fulfill the participant's personal and family responsibilities; and [PL 2013, c. 376, §2 (NEW).]

B. Assistance needed by the participant to obtain federal social security disability insurance benefits or federal supplemental security income benefits. [PL 2013, c. 376, §2 (NEW).]

This subsection does not preclude a determination that the participant is temporarily unable to participate, including participation in any assessment pursuant to this subsection, due to good cause as described in section 3785. Any determination made under this subsection may be appealed in accordance with section 3762, subsection 9.

A participant who chooses to participate in a comprehensive assessment under this subsection and fails to participate without good cause may be sanctioned in accordance with section 3763, subsection 1-A, paragraph A regardless of any previous sanctions that the participant may have incurred.

The department shall provide training for case managers regarding their job responsibilities and their obligation to comply with the requirements of the federal Americans with Disabilities Act of 1990; the federal Rehabilitation Act of 1973; and the Maine Human Rights Act when interviewing and providing information to participants, when referring participants for alternative services or when considering whether the participant requires reasonable accommodations in order to participate in the ASPIRE-TANF program.

[PL 2013, c. 376, §2 (NEW).]

#### **4. Employability plan.**

[PL 1997, c. 530, Pt. A, §26 (RP).]

**4-A. Family contract amendment.** To the extent that sufficient funds, training sites and employment opportunities are reasonably available, the department and a participant in the program shall enter into an amended family contract that must include both the department's and the participant's activities and the support services necessary for the individual to participate in accordance with the assessment, the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 and the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4.

[PL 2009, c. 291, §8 (AMD).]

**5. Provision of support services.** Payment for support services must be furnished promptly in accordance with rules adopted by the department to, or on behalf of, eligible individuals as agreed to in the family contract. The rules must provide for an expedited procedure for payment for support services when those services are immediately necessary to enable the participant to participate in an approved education, training or employment plan.

The support services required to participate in ASPIRE-TANF must be specified in the family contract and each participant must receive the support services prescribed in that contract, which may include respite care.

[PL 1997, c. 530, Pt. A, §26 (AMD).]

**6. Education, training and employment services.** The ASPIRE-TANF program must make available a broad range of education, training and employment services in accordance with section 3781-A, subsection 3 and the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 and the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4. These services and activities must include all of those services and activities offered by the Additional Support for People in Retraining and Employment Program on October 1, 1989, except in 2-year and 4-year postsecondary education and except as provided in chapter 1054-B. This section does not prohibit the department from purchasing equivalent services from providers other than those from whom those services were purchased on October 1, 1989. When a particular approved education or training service is available at comparable quality and cost, including the cost of support services, and the implementation of the family contract would not be unreasonably delayed, the program participant may choose to enroll for that service with the provider of that person's preference. If this decision is not mutually agreed to by the participant and the case manager, the decision must be reviewed by the case manager's supervisor. These services do not include reimbursement for the cost of tuition or mandatory fees for postsecondary education unless:

A. The participant is unable to secure other educational funding needed to complete the participant's family contract due to:

- (1) Poor credit as determined by the educational funding source; or
- (2) The consideration by the educational funding source of resources from past years that are not actually available to the participant; [PL 1997, c. 530, Pt. A, §26 (AMD).]

B. In the determination of the department, failure to pay the tuition or fee would result in higher ASPIRE-TANF program costs to achieve the participant's approved goal; or [PL 1997, c. 530, Pt. A, §26 (AMD).]

C. The participant meets an exception specified in rules adopted by the department. [PL 1993, c. 385, §21 (NEW).]

When a substantially similar postsecondary education or training program of comparable quality is available at both a public and private institution, within a reasonable commuting distance for the participant, the department may choose to approve the program offered at the public institution if the participant's program can be completed at less cost at the institution.

[PL 2009, c. 291, §9 (AMD).]

## 7. Readability.

[PL 1995, c. 418, Pt. A, §32 (RP).]

**7-A. Basic skills education.** The department shall make available to individuals participating in the ASPIRE-TANF program basic skills education, including programs that assist individuals in obtaining a high school diploma or its equivalent or comparable credential. The time spent by an ASPIRE-TANF participant in basic skills education must be counted toward the first 20 hours of the participant's required weekly work participation, except that this subsection is suspended for any period for which it would cause the State to fail to meet the work participation rate requirements pursuant to 42 United States Code, Section 607, subsection (a). The department shall ensure that the State's work verification plan required under federal law for validating work participation activities of ASPIRE-TANF participants includes basic skills education in the definition of vocational educational training when it is a necessary part of a participant's vocational educational training plan.

[PL 2019, c. 484, §5 (NEW).]

## 8. Annual report.

[PL 1995, c. 418, Pt. A, §32 (RP).]

**9. Rules.** The department shall adopt rules in accordance with the Maine Administrative Procedure Act to implement this section.

[PL 1997, c. 530, Pt. A, §26 (AMD).]

**10. Program design.** The department shall operate the ASPIRE-TANF program in accordance with the requirements of the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4.

A. Individuals who are ready for jobs may participate in job search at any time. Up-front job search must focus on new recipients who are ready for jobs who are eligible for TANF based on underemployment of the primary wage earner and new single-parent recipients who are ready for jobs and whose children are 5 years of age or older. [PL 1997, c. 530, Pt. A, §26 (AMD).]

B. Work evaluation consists of all activities related to orientation, assessment and initial family contract formulation. Work evaluation is limited to a maximum of 90 days, unless extended by the commissioner or the designee of the commissioner. If an ASPIRE-TANF participant is determined by the department to be job ready, the participant may access the workforce-MaineServe component directly from work evaluation. [PL 1997, c. 530, Pt. A, §26 (AMD).]

C. Except for participants who are accepted into the Parents as Scholars Program established under section 3790, education, training and treatment is limited to a maximum of 24 months, starting with the first day of participation in any allowable and approved job skills or occupational skills training activity. The 24-month period may be extended by the commissioner or the designee of the commissioner for good cause shown.

The department may approve a job skills or occupational training activity longer than 24 months provided the participant agrees to perform a minimum of 20 hours a week of work site experience by no later than the end of the 24-month period. Qualifying work site experience may include, but is not limited to, paid employment, workforce-MaineServe, ASPIRE-Plus, work study, training-related practicums or any other such work site approved by the department. The 24-month period does not include periods of nonactivity in which good cause has been determined.

For individuals who are satisfactorily participating in an education or training program prior to the work evaluation, the department must determine the acceptability of the activity for purposes of meeting the participation requirements of this chapter using the same criteria as is used for any individual in the ASPIRE-TANF program. [PL 2005, c. 480, §1 (AMD).]



D. Workforce-MaineServe consists of paid employment, subsidized employment, apprenticeships or other mandatory work activities, which may continue until the participant is ineligible for TANF benefits. [PL 1997, c. 530, Pt. A, §26 (AMD).]  
[PL 2009, c. 291, §10 (AMD).]

**11. Individual participation requirements.** Participation in the program components is governed by subsection 10 and this subsection.

A. For recipients whose eligibility for TANF is based on unemployment or underemployment of the primary wage earner, participation in the workforce-MaineServe component is required and any participation in the education, training and treatment component is contingent on satisfactory participation in workforce-MaineServe. [PL 1997, c. 530, Pt. A, §26 (AMD).]

B. ASPIRE-TANF participants who are attending school or are involved in an equivalent educational program recognized by the Department of Education or a local school board are considered to be in the education, training or treatment component and their participation is not limited to 24 months. The department shall encourage recipients younger than 20 years of age who have not completed high school to attend traditional high school. [PL 1997, c. 530, Pt. A, §26 (AMD).]

C. Subject to the requirements of the Americans with Disabilities Act, if a recipient of TANF is hindered from obtaining employment or successfully completing any portion of the ASPIRE-TANF program by reason of substance use, the recipient must enter into a substance use disorder treatment program. This treatment activity may occur at any time during the ASPIRE-TANF program. [PL 2017, c. 407, Pt. A, §81 (AMD).]

D. If a claim of disability or other good cause is made by a participant, the department shall assess the circumstances of the claim. If good cause is found to exist, the department shall offer reasonable alternative participation requirements and document them in the participant's family contract and case record. [PL 2001, c. 335, §3 (NEW).]

[PL 2017, c. 407, Pt. A, §81 (AMD).]

**12. Developing resources.** To assist the department in its efforts to encourage job placement opportunities and provide the services necessary to ensure self-support to recipients of TANF assistance, the department may contract with public and private agencies to establish job placement opportunities.

In order to assist in the development of job placement opportunities, the department in cooperation with the Department of Labor and other state agencies shall explore the feasibility of developing a shared approach to technology to support access to information talent banks, national job banks, Maine's job listings and any other job opportunity listings, to facilitate linking program resources listings and to coordinate case service providers.

In addition, all public and private agencies are subject to the following requirements.

A. All agencies that receive funds from any state department or division must provide at least one workforce-MaineServe opportunity for an ASPIRE-TANF participant. [PL 1997, c. 530, Pt. A, §26 (AMD).]

B. All state agencies that provide funding for child care or transportation services must require that recipients of TANF be given priority for those services. [PL 1997, c. 530, Pt. A, §26 (AMD).]

C. All agencies that receive funds from any state agency for the treatment of substance use disorder must require that recipients of TANF be given priority for those services. [PL 2017, c. 407, Pt. A, §82 (AMD).]

[PL 2017, c. 407, Pt. A, §82 (AMD).]

**13. Determination of types of opportunities.**

[PL 1997, c. 530, Pt. A, §26 (RP).]

#### **14. Family planning services.**

[PL 2005, c. 480, §3 (RP).]

#### **SECTION HISTORY**

PL 1989, c. 501, §Y5 (NEW). PL 1989, c. 839, §§10,11 (AMD). PL 1991, c. 528, §§F13,14 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§F13,14 (AMD). PL 1993, c. 385, §21 (AMD). PL 1995, c. 418, §§A29-33 (AMD). PL 1997, c. 530, §A26 (AMD). PL 2001, c. 335, §§2,3 (AMD). PL 2005, c. 480, §§1-3 (AMD). PL 2009, c. 291, §§8-10 (AMD). PL 2013, c. 376, §§1, 2 (AMD). PL 2017, c. 407, Pt. A, §§81, 82 (AMD). PL 2019, c. 484, §5 (AMD).

#### **§3788-A. MaineServe**

The department shall establish a MaineServe program designed to provide parents who are eligible for TANF assistance opportunities to serve their communities and the State. [PL 1997, c. 530, Pt. A, §27 (AMD).]

**1. Purposes.** The purposes of the MaineServe program are as follows:

A. To meet the human, educational, environmental and public safety needs of this State without displacing existing workers; [PL 1995, c. 418, Pt. A, §34 (NEW).]

B. To renew the ethic of civic responsibility and the spirit of community throughout the State; [PL 1995, c. 418, Pt. A, §34 (NEW).]

C. To encourage parents who are eligible for TANF assistance to engage in voluntary service to the State; [PL 1997, c. 530, Pt. A, §27 (AMD).]

D. To expand and strengthen existing nonprofit and public sector initiatives that are addressing the needs of their communities and of the State; and [PL 1995, c. 418, Pt. A, §34 (NEW).]

E. To provide parents who are eligible for TANF the opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families. [PL 1997, c. 530, Pt. A, §27 (AMD).]

[PL 1997, c. 530, Pt. A, §27 (AMD).]

**2. Eligibility.** Any ASPIRE-TANF participant over 16 years of age is eligible to volunteer for MaineServe, except that any person under 20 years of age who has not completed high school or its equivalent must also participate in an educational activity designed to complete high school education. [PL 1997, c. 530, Pt. A, §27 (AMD).]

**3. Duration of service.** MaineServe volunteers may serve for up to 9 months. At the end of the service period, the MaineServe volunteer and the ASPIRE-TANF case manager shall evaluate the MaineServe placement. If it is determined to be appropriate, the MaineServe volunteer may renew the placement within MaineServe.

[PL 1997, c. 530, Pt. A, §27 (AMD).]

**4. Conditions of service.** The MaineServe program is an alternative work experience program subject to the standards set out in the Social Security Act, 42 United States Code, Section 682(f).

[PL 1995, c. 418, Pt. A, §34 (NEW).]

#### **SECTION HISTORY**

PL 1995, c. 418, §A34 (NEW). PL 1997, c. 530, §A27 (AMD).

#### **§3788-B. ASPIRE-Plus**

The department shall establish an on-the-job training program called ASPIRE-Plus to encourage employers to develop jobs for ASPIRE-TANF program participants. [PL 1997, c. 530, Pt. A, §28 (NEW).]

SECTION HISTORY

PL 1997, c. 530, §A28 (NEW).

**§3789. Self-initiated training**

**(REPEALED)**

SECTION HISTORY

PL 1989, c. 839, §12 (NEW). PL 1993, c. 385, §22 (AMD). PL 1995, c. 418, Pt. A, §35 (RP).

**§3789-A. Decision-making authority reserved to department**

If federal law requires the Department of Health and Human Services to make a case decision, the authority to make that final decision is reserved to the department. [PL 1989, c. 839, §13 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1989, c. 839, §13 (NEW). PL 2003, c. 689, §B6 (REV).

**§3789-B. Interdepartmental Welfare Reform Committee**

**(REPEALED)**

SECTION HISTORY

RR 1995, c. 2, §43 (COR). PL 1995, c. 418, Pt. A, §36 (NEW). PL 1997, c. 530, Pt. A, §29 (AMD). PL 1999, c. 401, Pt. J, §4 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 439, Pt. G, §6 (AMD). RR 2003, c. 2, §75 (COR). PL 2003, c. 20, Pt. OO, §2 (AMD). PL 2003, c. 20, Pt. OO, §4 (AFF). PL 2005, c. 480, §4 (RP).

**§3789-C. Committee of staff and recipients**

**(REPEALED)**

SECTION HISTORY

PL 1995, c. 418, Pt. A, §36 (NEW). PL 2005, c. 480, §5 (RP).

**§3789-D. Maine Temporary Assistance for Needy Families Advisory Council**

**1. Duties.** The Maine Temporary Assistance for Needy Families Advisory Council, as established by Title 5, section 12004-I, subsection 36-C, shall advise the commissioner or the commissioner's designee regarding education, training, job opportunities, quality employment and business ownership opportunities, the operation of any postsecondary education programs administered by the department and other matters affecting TANF recipients. [PL 1997, c. 530, Pt. A, §30 (NEW).]

**2. Members.** The commissioner shall appoint the members of the council. Members must include at least the following:

- A. Two recipients of benefits under the TANF program; [PL 1997, c. 530, Pt. A, §30 (NEW).]
- B. One representative of employers within the State; [PL 1997, c. 530, Pt. A, §30 (NEW).]
- C. One representative of organized labor; [PL 1997, c. 530, Pt. A, §30 (NEW).]
- D. One representative of women's interests; [PL 1997, c. 530, Pt. A, §30 (NEW).]

E. One or more representatives of organizations or agencies that have experience in addressing the training, education and job needs of low-income women; [PL 1997, c. 530, Pt. A, §30 (NEW).]

F. One representative of the one-stop delivery system established under the federal Workforce Innovation and Opportunity Act, 29 United States Code, Section 3151; and [PL 2017, c. 110, §7 (AMD).]

G. Two representatives of postsecondary education, one representing private institutions and one representing public institutions. [PL 1997, c. 530, Pt. A, §30 (NEW).]  
[PL 2017, c. 110, §7 (AMD).]

**3. Advice regarding postsecondary education programs.** The council shall establish a postsecondary education subcommittee, consisting of up to 15 members and nonmembers of the council. The subcommittee must include but is not limited to the following representatives:

A. A representative of the department, appointed by the commissioner; [PL 1997, c. 530, Pt. A, §30 (NEW).]

B. A representative of the University of Maine System who represents the interests of women or nontraditional students at one of the campuses, appointed by the chancellor; [PL 1997, c. 530, Pt. A, §30 (NEW).]

C. A representative of the Finance Authority of Maine appointed by the chief executive officer; [PL 1997, c. 530, Pt. A, §30 (NEW).]

D. Representatives of the Maine Community College System, including a gender coordinator at one of the campuses, appointed by the president; and [PL 1997, c. 530, Pt. A, §30 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

E. Representatives of the following groups, appointed by the council:

(1) Nonprofit service organizations that assist parents who are nontraditional students;

(2) TANF participants or participants of the Parents as Scholars Program established in chapter 1054-B who are enrolled in postsecondary education programs;

(3) Nonprofit organizations that prepare parents to be nontraditional postsecondary education students;

(4) Organizations that represent low-income parents and that have significant knowledge of public assistance programs;

(5) Organizations that advocate for the interests of women;

(6) The business community; and

(7) Private postsecondary educational institutions. [PL 1997, c. 530, Pt. A, §30 (NEW).]

By March 1, 1998, the subcommittee shall make recommendations to the council for improving the administration of the Parents as Scholars Program under section 3790, improving the program to make it more successful for participants and maximizing resources to meet the goals of the program. The council shall approve, disapprove or modify the recommendations of the subcommittee and report their recommendation to the commissioner.

[PL 1997, c. 530, Pt. A, §30 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

#### SECTION HISTORY

PL 1997, c. 530, §A30 (NEW). PL 2001, c. 667, §C13 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2017, c. 110, §7 (AMD).

#### §3789-E. Peer support and advocacy demonstration project

**(REPEALED)**

**SECTION HISTORY**

PL 2003, c. 351, §1 (NEW). MRSA T. 22 §3789-E (RP).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 130th Maine Legislature and is current through October 31, 2021. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.