



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1343

H.P. 960

House of Representatives, April 4, 2013

**An Act To Improve Work Readiness for Families Facing Significant
Barriers to Employment**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker EVES of North Berwick.
Cosponsored by Senator FLOOD of Kennebec and
Representatives: FARNSWORTH of Portland, FOWLE of Vassalboro, GATTINE of
Westbrook, SANBORN of Gorham, Senator: GOODALL of Sagadahoc.

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

2 **Sec. 1. 22 MRSA §3788, sub-§3**, as amended by PL 2001, c. 335, §2, is further
3 amended to read:

4 **3. Assessment.** Each participant's case manager shall conduct an initial assessment
5 to determine that individual's education, training and employment needs based on
6 available program resources, the participant's skills and aptitudes, the participant's need
7 for supportive services, local employment opportunities, the existence of any good cause
8 circumstances under section 3785 and, to the maximum extent possible, the preferences
9 of the participant. The department shall document findings in the participant's case
10 record indicating any barriers to participation, including, but not limited to, any physical
11 or mental health problems, including learning disabilities or cognitive impairments, or
12 other good cause circumstances specified in section 3785.

13 **Sec. 2. 22 MRSA §3788, sub-§3-A** is enacted to read:

14 **3-A. Comprehensive screening and assessment.** If a participant's case manager
15 determines upon an initial assessment performed pursuant to subsection 3 or at a later
16 date that the participant has physical or mental health impairments, learning disabilities,
17 cognitive impairments or limitations related to providing care for a household member
18 with a disability or serious illness or a child with serious behavioral problems, the case
19 manager shall explore with the participant whether the participant wishes to have a
20 comprehensive screening with possible referral for alternative services, supports and
21 income benefits. If the participant elects to have a comprehensive screening and
22 assessment, the case manager shall refer the participant to a qualified individual to
23 identify the abilities, limitations and needs of that participant. The participant may
24 supplement this assessment with medical records or any other credible information
25 related to the participant's ability to participate in program activities. An assessment
26 under this subsection may also be initiated at the request of the participant at any time.
27 The individual performing the assessment under this subsection shall recommend to the
28 case manager any services, supports and programs needed to improve the economic self-
29 sufficiency and well-being of the participant and the participant's family.

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

34 A. Referral to a community agency qualified to assist the participant with services,
35 supports, education, training and accommodations needed to reduce or overcome any
36 barriers to achieving self-sufficiency and to fulfill the participant's personal and
37 family responsibilities; and

38 B. Assistance applying for federal social security disability insurance benefits or
39 federal supplemental security income benefits needed by that participant to obtain
40 those benefits.

41 Nothing in this subsection may preclude a determination that the participant is
42 temporarily unable to participate due to good cause circumstances as described in section

1 3785. Any determination made under this subsection may be appealed in accordance with
2 section 3762, subsection 9.

3 A participant identified as qualifying for the comprehensive screening and assessment
4 under this subsection may not be sanctioned for failing to comply with an assigned
5 activity until assessment results are received and reviewed by the department.

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

13 **SUMMARY**

14 This bill provides that if the case manager of a participant in the ASPIRE-TANF
15 program determines that the participant has physical or mental health impairments,
16 learning disabilities, cognitive impairments or limitations, the case manager must explore
17 with the participant whether the participant wishes to undergo a comprehensive screening
18 with possible referral to alternative services, supports and benefits. Following the
19 assessment, the case manager, in coordination with the participant, is directed to establish
20 a plan for the participant and the participant's family that includes appropriate services,
21 supports and programs.