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Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1312, L.D. 1822, Bill, “An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures ”

Amend the amendment by striking out all of sections 1 to 5 and inserting the following:

Sec. 1. 22 MRSA §23, sub-§1, ¶B, as corrected by RR 2011, c. 2, §23, is amended to read:

B. A gambling facility, as defined in Title 8, section 1001, subsection 16, except that use of the electronic benefits transfer system is permitted in any portion of the premises of a gambling facility that is set aside separately for the sale primarily of staple foods as defined in 7 United States Code, Section 2012(r); ~~or~~

Sec. 2. 22 MRSA §23, sub-§1, ¶C, as enacted by PL 2011, c. 687, §4, is amended to read:

C. A retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment-; or

Sec. 3. 22 MRSA §23, sub-§1, ¶D is enacted to read:

D. A tobacco specialty store, as defined in section 1541, subsection 7.

Sec. 4. 22 MRSA §3762, sub-§4, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

4. Promoting support by both parents. The department shall enforce laws and establish policies to ensure that both parents contribute to the economic support of their child or children and to promote every child’s right to economic support from both parents. Applicants for and recipients of assistance may refuse to cooperate in the establishment of paternity or child support enforcement for good cause related to domestic violence, including situations when cooperation may result in harm to the parent or child, or when the child was conceived as a result of incest or rape. ~~Evidence supporting a good cause determination includes, but is not limited to, the evidence specified in section 3785, subsection 13.~~ The department shall notify all applicants and recipients orally and in writing of the availability of this determination. When a

HOUSE AMENDMENT

1 determination of good cause is made by the department, the department may not impose
2 sanctions or penalties against the applicant or recipient or engage in any other activity
3 that could subject any member of the family to harm.

4 **Sec. 5. 22 MRSA §3762, sub-§10**, as enacted by PL 1997, c. 530, Pt. A, §16, is
5 repealed.

6 **Sec. 6. 22 MRSA §3762, sub-§21** is enacted to read:

7 **21. Work search requirement.** Before TANF assistance may be granted to an
8 applicant by the department, the applicant, if job ready as determined by the department,
9 must apply in writing for 3 separate advertised jobs and produce verifiable documentation
10 to the department of the applications. To satisfy this work search requirement, the job
11 applications may be submitted at any time from one week prior to the date of the
12 application to the department for TANF assistance to 2 weeks following that date.

13 **Sec. 7. 22 MRSA §3763, sub-§1-A**, as enacted by PL 2011, c. 380, Pt. PP, §4, is
14 amended to read:

15 **1-A. Partial and full termination of benefits.** Benefits under this chapter must be
16 terminated by the department under the provisions of subsection 1 and ~~sections 3785 and~~
17 ~~section 3785-A~~ as follows:

18 A. For a first failure to meet the conditions of a family contract, termination of
19 benefits applies to the adult recipient; and

20 B. For a first failure to meet the conditions of a family contract for which termination
21 of benefits under paragraph A lasts for longer than 90 days and for a 2nd and
22 subsequent violation, termination of benefits applies to the adult recipient and the full
23 family unit; ~~and.~~

24 ~~C. Prior to the implementation of a full family unit sanction, the department shall~~
25 ~~offer the adult recipient an opportunity to claim good cause for noncompliance as~~
26 ~~described in section 3785.~~

27 Benefits that have been terminated under this subsection must be restored once the adult
28 recipient signs a new contract under subsection 1 and complies with the provisions of the
29 family contract.

30 **Sec. 8. 22 MRSA §3763, sub-§§11 to 13** are enacted to read:

31 **11. Domestic violence.** The department shall provide all applicants for assistance
32 under this chapter with information both orally and in writing of the availability of
33 services for victims of domestic violence.

34 **12. Prohibited expenditures.** Benefits under this chapter may not be expended on
35 the following:

36 A. Tobacco products, as defined in Title 22, section 1551, subsection 3;

37 B. Imitation liquor and liquor, as defined in Title 28-A, section 2, subsections 13 and
38 16, respectively;

39 C. Gambling activity, as defined in Title 8, section 1001, subsection 15;

1 D. Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-State
2 Lotto Commission pursuant to Title 8, chapter 16; or

3 E. Bail, as defined in Title 15, section 1003, subsection 1.

4 **13. Restriction on use of electronic benefits transfer system outside State.** A
5 recipient of benefits under this chapter may not use the electronic benefits transfer system
6 established in section 22 outside of this State.

7 **Sec. 9. 22 MRSA §3785**, as amended by PL 1997, c. 530, Pt. A, §§20 to 24, is
8 repealed.

9 **Sec. 10. 22 MRSA §3785-A, sub-§1, ¶B**, as enacted by PL 2001, c. 335, §1, is
10 amended to read:

11 B. Provide the individual with a notice that states the basis for the sanction ~~and a~~
12 ~~complete list of good cause reasons as set forth in section 3785; and~~

13 **Sec. 11. 22 MRSA §3785-A, sub-§1, ¶C**, as enacted by PL 2001, c. 335, §1, is
14 repealed.

15 **Sec. 12. 22 MRSA §3788, sub-§1-A**, as enacted by PL 1997, c. 530, Pt. A, §26,
16 is repealed.

17 **Sec. 13. 22 MRSA §3788, sub-§3**, as amended by PL 2013, c. 376, §1, is further
18 amended to read:

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

28 **Sec. 14. 22 MRSA §3788, sub-§3-A**, as enacted by PL 2013, c. 376, §2, is
29 amended to read:

30 **3-A. Comprehensive screening and assessment.** If upon an initial screening or at a
31 later date it is determined that a participant has physical or mental health impairments,
32 learning disabilities, cognitive impairments or limitations related to providing care for a
33 household member with a disability or serious illness or a child with a serious behavioral
34 condition, the participant must be offered the opportunity for a comprehensive assessment
35 that may result in referral for alternative services, supports and income benefits. If the
36 participant chooses to have a comprehensive assessment, the participant must be referred
37 to a qualified professional to identify the strengths and needs of and barriers faced by that
38 participant. The participant's case manager shall ensure that any accommodation or
39 support services necessary for the participant to participate in the assessment are made
40 available to the participant. The participant may supplement this assessment with
41 medical records or any other credible information related to the participant's ability to
42 participate in program activities. An assessment under this subsection may also be

1 initiated at the choice of the participant at any time. The individual performing this
2 assessment shall recommend to the case manager any services, supports and programs
3 needed to improve the economic self-sufficiency and well-being of the participant and the
4 participant's family based on the assessment.

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

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

13 B. Assistance needed by the participant to obtain federal social security disability
14 insurance benefits or federal supplemental security income benefits.

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

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

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

30 **Sec. 15. 22 MRSA §3788, sub-§10, ¶C**, as amended by PL 2005, c. 480, §1, is
31 repealed and the following enacted in its place:

32 C. For individuals who are satisfactorily participating in an education or training
33 program, the department must determine the acceptability of the activity for purposes
34 of meeting the participation requirements of this chapter using the same criteria as are
35 used for any individual in the ASPIRE-TANF program.

36 **Sec. 16. 22 MRSA §3788, sub-§11, ¶B**, as amended by PL 1997, c. 530, Pt. A,
37 §26, is further amended to read:

38 B. ASPIRE-TANF participants who are attending school or are involved in an
39 equivalent educational program recognized by the Department of Education or a local
40 school board are considered to be in the education, training or treatment component
41 ~~and their participation is not limited to 24 months~~. The department shall encourage
42 recipients younger than 20 years of age who have not completed high school to attend
43 traditional high school.

