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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 908, L.D. 1247, “Resolve, To Change the Work Requirement Rules under the Temporary Assistance for Needy Families Program”

Amend the resolve by striking out the title and substituting the following:

'Resolve, To Clarify the Good Cause and Sanction Process in the Temporary Assistance for Needy Families and Additional Support for People in Retraining and Employment Programs'

Amend the resolve by striking out everything after the title and inserting the following:

'Sec. 1. Department of Health and Human Services to amend the TANF and ASPIRE-TANF program rules regarding good cause and sanctions.

Resolved: That the Department of Health and Human Services shall amend its rules for the Temporary Assistance for Needy Families program, referred to in this resolve as "TANF," and the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program, referred to in this resolve as "ASPIRE-TANF," to establish the following additional process for good cause determinations.

1. When a TANF or ASPIRE-TANF participant is notified that the participant has failed to comply with a program rule that includes notice of good cause and the participant claims within 5 working days of receiving the notification, either orally or in writing, that the participant had good cause for failing to comply, a representative of the department shall meet individually with the participant. The meeting must take place at the office of the department representative, or at a location agreed upon by the participant and the department representative, or the meeting may be conducted by telephone if the participant is unable to be physically present. The department shall provide at least 5 days' advance notice to the participant. At the meeting, the representative of the department shall:

COMMITTEE AMENDMENT

1 A. Provide the participant with a notice describing good cause. The notice must
2 include the participant's right to apply for a good cause exception;

3 B. Verbally explain to the participant the reasons for which a good cause exception
4 may be granted and the participant's right to make an application for a good cause
5 exception either orally or in writing; and

6 C. Provide the participant with the opportunity to make a request for a good cause
7 exception from ASPIRE-TANF participation either wholly or in part.

8 2. The department's representative shall make a complete written record of the
9 meeting under subsection 1, including documenting that the participant was given the
10 notice describing good cause, the participant's reason for good cause and that the
11 participant was given the opportunity to make a request for a good cause exception.

12 3. A department representative shall make a recommendation on the participant's
13 request for a good cause exception, including the basis for the recommendation, in
14 writing. The department shall then issue a final determination approving or denying,
15 wholly or in part, the participant's request for a good cause exception, including notice of
16 the right to a fair hearing. The determination must set forth the reasons for the
17 application for a good cause exception being approved or denied. The department may
18 not find lack of good cause prior to the final determination unless the participant fails to
19 attend the scheduled meeting under subsection 1 without good cause.

20 4. The notice of a determination that results in a proposed sanction of the participant
21 must include a statement of why the participant does not qualify for a good cause
22 exception.

23 Nothing in this section precludes a program participant from claiming good cause at
24 any time.'

25 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
26 section number to read consecutively.

27 **SUMMARY**

28 This amendment replaces the resolve and changes the title. It requires the
29 Department of Health and Human Services to amend its rules to establish a process for a
30 participant in the Temporary Assistance for Needy Families or Additional Support for
31 People in Retraining and Employment - Temporary Assistance for Needy Families
32 program who fails to comply with a program requirement with an opportunity to claim
33 good cause and receive a determination from the department in response to that claim.

34 **FISCAL NOTE REQUIRED**

35 **(See attached)**