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STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " " to COMMITTEE AMENDMENT "A" to S.P. 647, L.D. 1606, Bill, "An Act To Provide Funding to the Maine Budget Stabilization Fund"

Amend the amendment by inserting after Part I the following:

'PART J

Sec. J-1. 22 MRSA §4311, sub-§1, as amended by PL 2015, c. 267, Pt. SSSS, §1, is further amended to read:

1. Departmental reimbursement until July 1, 2016. When a municipality incurs net general assistance costs in any fiscal year prior to July 1, 2015 in excess of .0003 of that municipality's most recent state valuation relative to the state fiscal year for which reimbursement is being issued, as determined by the State Tax Assessor in the statement filed as provided in Title 36, section 381, the Department of Health and Human Services department shall reimburse the municipality for 90% of the amount in excess of these expenditures when the department finds that the municipality has been in compliance with all requirements of this chapter. If a municipality elects to determine need without consideration of funds distributed from any municipally-controlled trust fund that must otherwise be considered for purposes of this chapter, the department shall reimburse the municipality for 66 2/3% of the amount in excess of such expenditures when the department finds that the municipality has otherwise been in compliance with all requirements of this chapter.

The department shall reimburse each municipality and each Indian tribe 70% of the direct costs incurred by that municipality or tribe on or after July 1, 2015 and prior to July 1, 2016 for the general assistance program granted by that municipality or tribe. For the purposes of this subsection, "Indian tribe" has the same meaning as in section 411, subsection 8-A.

Sec. J-2. 22 MRSA §4311, sub-§1-C, as enacted by PL 2013, c. 368, Pt. OO, §10, is amended to read:

1-C. Indian tribe reimbursement until July 1, 2016. The Until July 1, 2016, the department shall reimburse each Indian tribe for the costs of a portion of the direct costs of paying benefits through its general assistance program if the department finds that the

1 Indian tribe was in compliance with all requirements of this chapter during the fiscal year
2 for which those benefits are sought.

3 The amount of reimbursement must be calculated for each fiscal year by adding 10% of
4 all general assistance granted up to the threshold amount to 100% of all general assistance
5 granted above the threshold amount.

6 For the purposes of this subsection, "Indian tribe" has the same meaning as in section
7 411, subsection 8-A. For purposes of this subsection, "threshold amount" means 0.0003
8 of the Indian tribe's most recent state valuation, as determined by the State Tax Assessor
9 in the statement filed as provided in Title 36, section 381, relative to the year for which
10 reimbursement is being issued.

11 **Sec. J-3. 22 MRSA §4311, sub-§1-D** is enacted to read:

12 **1-D. Departmental reimbursement; beginning on or after July 1, 2016.** For
13 fiscal years beginning on or after July 1, 2016, the department shall reimburse a
14 municipality or Indian tribe 90% of the direct costs of that municipality's or Indian tribe's
15 general assistance program as long as the reimbursement for that fiscal year does not
16 exceed an amount equal to 40% of the adjusted direct costs of that municipality's or
17 Indian tribe's average adjusted direct costs for the prior 6 fiscal years. When
18 reimbursement under this subsection to a municipality or Indian tribe in a fiscal year
19 reaches an amount equal to 40% of that municipality's or Indian tribe's average adjusted
20 direct costs for the prior 6 fiscal years, for the remainder of that fiscal year, the
21 department shall reimburse that municipality or Indian tribe 10% of the municipality's or
22 Indian tribe's direct costs of its general assistance program.

23 For purposes of this subsection, "adjusted direct costs" means the direct costs of the
24 general assistance program of a municipality or Indian tribe, plus an amount that is equal
25 to that municipality's or Indian tribe's annual unemployment rate, expressed as a
26 percentage, multiplied by its annual direct costs.

27 For the purposes of this subsection, "Indian tribe" has the same meaning as in section
28 411, subsection 8-A.

29 **PART K**

30 **Sec. K-1. 22 MRSA §3104-A**, as amended by PL 2013, c. 368, Pt. OO, §§1 and
31 2, is repealed.

32 **Sec. K-2. 22 MRSA §3273, sub-§9**, as enacted by PL 1997, c. 643, Pt. WW, §1,
33 is repealed.

34 **Sec. K-3. 22 MRSA §3762, sub-§3, ¶B**, as amended by PL 2015, c. 267, Pt.
35 RRRR, §2, is further amended to read:

36 B. The department may use funds, insofar as resources permit, provided under and in
37 accordance with the United States Social Security Act or state funds appropriated for
38 this purpose or a combination of state and federal funds to provide assistance to
39 families under this chapter. In addition to assistance for families described in this
40 subsection, funds must be expended for the following purposes:

1 (1) To continue the pass-through of the first \$50 per month of current child
2 support collections and the exclusion of the \$50 pass-through from the budget
3 tests and benefit calculations;

4 ~~(2) To provide financial assistance to noncitizens legally admitted to the United~~
5 ~~States who are receiving assistance under this subsection as of July 1, 2011.~~
6 ~~Recipients of assistance under this subparagraph are limited to the categories of~~
7 ~~noncitizens who would be eligible for the TANF programs but for their status as~~
8 ~~aliens under PRWORA. Eligibility for the TANF program for these categories of~~
9 ~~noncitizens must be determined using the criteria applicable to other recipients of~~
10 ~~assistance from the TANF program. Any household receiving assistance as of~~
11 ~~July 1, 2011 may continue to receive assistance, as long as that household~~
12 ~~remains eligible, without regard to interruptions in coverage or gaps in eligibility~~
13 ~~for service. A noncitizen legally admitted to the United States who is neither~~
14 ~~receiving assistance on July 1, 2011 nor has an application pending for assistance~~
15 ~~on July 1, 2011 that is later approved is not eligible for financial assistance~~
16 ~~through a state funded program unless that noncitizen is:~~

17 (a) ~~Elderly or disabled, as described under the laws governing supplemental~~
18 ~~security income in 42 United States Code, Sections 1381 to 1383f (2010);~~

19 (b) ~~A victim of domestic violence;~~

20 (c) ~~Experiencing other hardship, such as time necessary to obtain proper~~
21 ~~work documentation, as defined by the department by rule. Rules adopted by~~
22 ~~the department under this division are routine technical rules as defined by~~
23 ~~Title 5, chapter 375, subchapter 2-A; or~~

24 (d) ~~Unemployed but has obtained proper work documentation, as defined by~~
25 ~~the department by rule. Rules adopted by the department under this division~~
26 ~~are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;~~

27 (3) To provide benefits to certain 2-parent families whose deprivation is based on
28 physical or mental incapacity;

29 (4) To provide an assistance program for needy children, 19 to 21 years of age,
30 who are in full-time attendance in secondary school. The program is operated for
31 those individuals who qualify for TANF under the United States Social Security
32 Act, except that they fail to meet the age requirement, and is also operated for the
33 parent or caretaker relative of those individuals. Except for the age requirement,
34 all provisions of TANF, including the standard of need and the amount of
35 assistance, apply to the program established pursuant to this subparagraph;

36 (5) To provide assistance for a pregnant woman who is otherwise eligible for
37 assistance under this chapter, except that she has no dependents under 19 years of
38 age. An individual is eligible for the monthly benefit for one eligible person if
39 the medically substantiated expected date of the birth of her child is not more
40 than 90 days following the date the benefit is received;

41 (6) To provide a special housing allowance for TANF families whose shelter
42 expenses for rent, mortgage or similar payments, homeowners insurance and

1 property taxes equal or exceed 75% of their monthly income. The special
2 housing allowance is limited to \$200 per month for each family. For purposes of
3 this subparagraph, "monthly income" means the total of the TANF monthly
4 benefit and all income countable under the TANF program, plus child support
5 received by the family, excluding the \$50 pass-through payment;

6 (7) In determining benefit levels for TANF recipients who have earnings from
7 employment, the department shall disregard from monthly earnings the
8 following:

9 (a) One hundred and eight dollars;

10 (b) Fifty percent of the remaining earnings that are less than the federal
11 poverty level; and

12 (c) All actual child care costs necessary for work, except that the department
13 may limit the child care disregard to \$175 per month per child or \$200 per
14 month per child under 2 years of age or with special needs;

15 (7-A) In determining eligibility and benefit levels, the department may apply a
16 gross income test only to applicants and not to recipients;

17 (8) In cases when the TANF recipient has no child care cost, the monthly TANF
18 benefit is the maximum payment level or the difference between the countable
19 earnings and the standard of need established by rule adopted by the department,
20 whichever is lower;

21 (9) In cases when the TANF recipient has child care costs, the department shall
22 determine a total benefit package, including TANF cash assistance, determined in
23 accordance with subparagraph (7) and additional child care assistance, as
24 provided by rule, necessary to cover the TANF recipient's actual child care costs
25 up to the maximum amount specified in section 3782-A, subsection 5. The
26 benefit amount must be paid as provided in this subparagraph.

27 (a) Before the first month in which child care assistance is available to an
28 ASPIRE-TANF recipient under this paragraph and periodically thereafter, the
29 department shall notify the recipient of the total benefit package and the
30 following options of the recipient: to receive the total benefit package
31 directly; or to have the department pay the recipient's child care assistance
32 directly to the designated child care provider for the recipient and pay the
33 balance of the total benefit package to the recipient.

34 (b) If an ASPIRE-TANF recipient notifies the department that the recipient
35 chooses to receive the child care assistance directly, the department shall pay
36 the total benefit package to the recipient.

37 (c) If an ASPIRE-TANF recipient does not respond or notifies the
38 department of the choice to have the child care assistance paid directly to the
39 child care provider from the total benefit package, the department shall pay
40 the child care assistance directly to the designated child care provider for the

1 recipient. The department shall pay the balance of the total benefit package
2 to the recipient;

3 (10) Child care assistance under this paragraph must be paid by the department
4 in a prompt manner that permits an ASPIRE-TANF recipient to access child care
5 necessary for work; and

6 (11) The department shall adopt rules pursuant to Title 5, chapter 375 to
7 implement this subsection. Rules adopted pursuant to this subparagraph are
8 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

9 **PART L**

10 **Sec. L-1. PL 2015, c. 267, Pt. E, §1** is repealed.

11 **Sec. L-2. Transfer prohibited.** Notwithstanding the Maine Revised Statutes,
12 Title 21-A, section 1124, subsection 2, paragraph B, the State Controller may not transfer
13 funds to the Maine Clean Election Fund during fiscal year 2016-17.

14 **PART M**

15 **Sec. M-1. Appropriations and allocations.** The following appropriations and
16 allocations are made.

17 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

18 **Food Supplement Administration Z019**

19 Initiative: Reduces funding in the General Fund in the Food Supplement Administration
20 program by eliminating state-funded Supplemental Nutrition Assistance Program, or
21 SNAP, benefits for legal noncitizens.

22	GENERAL FUND	2015-16	2016-17
23	All Other	\$0	(\$1,208,912)
24			
25	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$1,208,912)</u>

26 **General Assistance - Reimbursement to Cities and Towns 0130**

27 Initiative: Adjusts funding by restructuring the General Assistance program to reflect a
28 change in the reimbursements made to municipalities.

29	GENERAL FUND	2015-16	2016-17
30	All Other	\$0	(\$5,425,960)
31			
32	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$5,425,960)</u>

33 **State Supplement to Federal Supplemental Security Income 0131**

1 Initiative: Reduces funding in the State Supplement to Federal Supplemental Security
 2 Income program by eliminating benefits for legal noncitizens.

3	GENERAL FUND	2015-16	2016-17
4	All Other	\$0	(\$955,806)
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$955,806)</u>

7 **Temporary Assistance for Needy Families 0138**

8 Initiative: Reduces funding in the General Fund in the Temporary Assistance for Needy
 9 Families program by eliminating state-funded Temporary Assistance for Needy Families,
 10 or TANF, benefits for legal noncitizens.

11	GENERAL FUND	2015-16	2016-17
12	All Other	\$0	(\$186,648)
13			
14	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$186,648)</u>

15 **HEALTH AND HUMAN SERVICES,**
 16 **DEPARTMENT OF (FORMERLY DHS)**
 17 **DEPARTMENT TOTALS**

18		2015-16	2016-17
19	GENERAL FUND	\$0	(\$7,777,326)
20			
21	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>(\$7,777,326)</u>

22 **HISTORIC PRESERVATION COMMISSION, MAINE**

23 **Historic Preservation Commission 0036**

24 Initiative: Deappropriates one-time funds provided in Public Law 2015, chapter 267, Part
 25 A, section 34 for the purchase of the Frances Perkins Homestead in Newcastle, Maine.

26	GENERAL FUND	2015-16	2016-17
27	All Other	(\$200,000)	\$0
28			
29	GENERAL FUND TOTAL	<u>(\$200,000)</u>	<u>\$0</u>

1	HISTORIC PRESERVATION COMMISSION,		
2	MAINE		
3	DEPARTMENT TOTALS	2015-16	2016-17
4			
5	GENERAL FUND	(\$200,000)	\$0
6			
7	DEPARTMENT TOTAL - ALL FUNDS	(\$200,000)	\$0
8	SECTION TOTALS	2015-16	2016-17
9			
10	GENERAL FUND	(\$200,000)	(\$7,777,326)
11			
12	SECTION TOTAL - ALL FUNDS	(\$200,000)	(\$7,777,326)

13 **PART N**

14 **Sec. N-1. Additional transfer to Maine Budget Stabilization Fund for**
 15 **fiscal years 2015-16 and 2016-17.** In addition to other transfers required under this
 16 Act, the State Controller shall transfer \$200,000 in fiscal year 2015-16 and \$10,977,326
 17 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Maine
 18 Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section
 19 1532.'

20 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
 21 or section number to read consecutively.

22 **SUMMARY**

23 This amendment makes the following changes to Committee Amendment "A."

24 Part J provides that, for fiscal years beginning on or after July 1, 2016, the
 25 Department of Health and Human Services reimburse a municipality or Indian tribe 90%
 26 of the direct costs of that municipality's or tribe's general assistance program as long as
 27 the reimbursement for that fiscal year does not exceed an amount equal to 40% of the
 28 adjusted direct costs of that municipality's or tribe's average adjusted direct costs for the
 29 prior 6 fiscal years. When reimbursement to a municipality or Indian tribe in a fiscal year
 30 reaches an amount equal to 40% of that municipality's or tribe's average adjusted direct
 31 costs for the prior 6 fiscal years, for the remainder of that fiscal year, the department is
 32 directed to reimburse that municipality or Indian tribe 10% of the municipality's or tribe's
 33 direct costs of its general assistance program.

34 Part K does the following:

- 35 1. It repeals the provision that requires the Department of Health and Human
 36 Services to provide a food supplement program for noncitizens who would be eligible for
 37 federal SNAP benefits but for their status as aliens under the federal Personal
 38 Responsibility and Work Opportunity Reconciliation Act of 1996.

1 2. It repeals the provision that requires the Department of Health and Human
2 Services to provide supplemental security income for noncitizens who would be eligible
3 for federal supplemental security income but for their status as aliens under the federal
4 Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

5 3. It repeals the provision that requires the Department of Health and Human
6 Services to provide financial assistance to noncitizens who would be eligible for
7 Temporary Assistance for Needy Families program benefits but for their status as aliens
8 under the federal Personal Responsibility and Work Opportunity Reconciliation Act of
9 1996.

10 Part L repeals language requiring the State Controller to transfer funds from the
11 General Fund undedicated revenue to the Maine Clean Election Fund pursuant to the
12 Maine Revised Statutes, Title 21-A, section 1124, subsection 2, paragraph B.

13 Part M deappropriates one-time funds provided in Public Law 2015, chapter 267, Part
14 A, section 34 for the purchase of the Frances Perkins Homestead and deappropriates
15 funds to reflect the changes made in Parts J, K and L.

16 Part N increases the amount transferred from the unappropriated surplus to the Maine
17 Budget Stabilization Fund by \$200,000 in fiscal year 2015-16 and \$10,777,325 in fiscal
18 year 2016-17.

19 **FISCAL NOTE REQUIRED**

20 **(See attached)**

21 SPONSORED BY: _____

22 (Senator BRAKEY)

23 COUNTY: Androscoggin