

**Testimony of the
Office for Family Independence
Department of Health and Human Services**

Before the Joint Standing Committee on Health and Human Services

Hearing Date: April 24, 2017

Senator Brakey, Representative Hymanson and Members of the Joint Standing Committee on Health and Human Services, I am Bethany Hamm, Director of the Office for Family Independence (OFI), in the Department of Health and Human Services (DHHS). My current testimony will cover LD 33, 1017, 1052, 1075, and 1418.

In Support of LD 33

An Act to Adjust the Lifetime Limit for the Receipt of TANF

LD 33 would decrease – from 60 months to 36 months – the length of time a family that includes an adult would be eligible to receive Temporary Assistance for Needy Families (TANF).

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 imposed a maximum 60-month lifetime limit on the receipt of TANF benefits and allowed states the flexibility to set lower limits. Currently 19 states have limits lower than 60 months.

The goal of Maine's TANF program is to help recipients achieve permanent economic self-sufficiency by encouraging personal responsibility and work opportunities for needy, low-income families receiving assistance, and to reinforce the temporary nature of welfare. Individuals who can work need to do their part to ensure their family can become and remain economically self-sufficient through employment.

It is because of the temporary nature of TANF cash assistance that the recipient's responsibility to achieve self-sufficiency has a certain element of urgency. To ensure that families obtain the supports and skills needed to achieve employment and self-sufficiency within 36-months, Maine is making significant changes in our method of service delivery.

The cornerstone of these changes is a performance-based contract with Fedcap Rehabilitation Services, a non-profit organization dedicated to helping individuals with barriers overcome obstacles to economic well-being. Fedcap's highly skilled case managers will provide individual assessments, evaluation, education, vocational and skills training, career counseling, job placement, and post-employment support with each TANF adult who is required to meet a work activity. These plans focus on meeting the individual's needs to achieve a position in one of the over 8,000 job openings Maine's employers seek to fill.

Current law recognizes that some individuals may need to extend their benefits beyond the established time limit, and we will continue to administer extensions to the time limit as is

required by law. We will also continue to provide supports for families who have transitioned off TANF.

In Support of LD 1017

An Act to Strengthen Work Participation in the Temporary Assistance for Needy Families Program

This bill would do two things: 1) it would eliminate the statutory “good cause” reasons that excuse a TANF recipient from noncompliance with mandatory work requirements, replacing those reasons with only a domestic violence provision; and 2) it would modify the procedures for imposing a TANF sanction for failure to comply with work requirements to resolve an ambiguity about the intended operation of those procedures.

Eliminating all good cause reasons except domestic violence would help improve Maine’s work participation rate by removing a significant barrier to compelling compliance. As the Department has alerted this Committee to several times before, we face tens of millions of dollars in penalties from The Federal Government for our past inability to meet the work participation rate. And our first penalty, equaling a little more than a million dollars, will take effect at the start of Federal Fiscal Year 2018.

The proposed changes to the sanction process section would remove the possibility that the statute could be read to require the Department to issue two sets of notices to a noncompliant TANF recipient before imposing a sanction. Such a reading would make for an inefficient and ineffective process, and it would not be consistent with current practice, as clarified in 2016 in a detailed rulemaking.

In Support of LDs 1052

An Act to Allow Drug Testing Prior to Providing Welfare Benefits And LD 1075

An Act to Eliminate Drug Use Among Welfare Recipients

These bills would enact nearly identical drug testing provisions. LD 1075 would require an applicant for TANF benefits to complete a written screening tool to determine the applicant’s likelihood of current illegal drug or controlled substance use, and 1052 would grant the Department discretion to impose such a requirement. The bills would further allow the Department to require the applicant or recipient to submit to and pass a drug test as a condition of receiving benefits, based on the results of the screening tool or interactions with a TANF applicant or recipient, and reasonable suspicion that the applicant or recipient is using an illegal drug or controlled substance. Unlike 1052, LD 1075 includes an additional section providing that if a recipient or applicant does not appeal or fails a second drug test, that recipient will be denied TANF benefits, and be prohibited from reapplying, for 120 days.

Substance abuse is one of many possible barriers to employment and self-sufficiency, and these bills would encourage individuals struggling with addiction to seek out the treatment

and related services they need. Identifying TANF applicants with substance abuse issues can help put them on a path to self-sufficiency sooner by identifying issues and allowing clients to be assigned to a treatment track before those issues interfere with work activities.

I should note, however, that screening all TANF applicants for substance abuse would likely require additional resources. OFI may need additional staff, trained in how to conduct comprehensive assessments and identify the underlying issues that may contribute to substance abuse, as well as what treatment programs exist.

In Support of LD 1418

An Act to Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits

Prohibiting marijuana purchases with TANF is a commonsense update to welfare policy, taking into account the fact that recreational marijuana use is now legal under state law. Fundamentally, TANF benefits are meant to provide basic supports for needy families, and recreational drug use falls far outside that purpose. Alcohol and tobacco, among other things, are already prohibited, and it stands to reason that marijuana be prohibited as well.

It should also be noted that marijuana use is prohibited under federal law and therefore would not be a permissible purchase with federal TANF dollars.

I would be happy to answer any questions you may have and would be glad to make myself available for questions at the work session.